

FEDERAL BUREAU OF INVESTIGATION

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1 MR. DAN LINEHAN: I think the same could
2 be said for Miss Spears.

3 THE WITNESS: I was paid cash every time
4 I worked.

5 THE COURT: Well, Mr. Linehan --

6 MR. DAN LINEHAN: Yes, Ma'am.

7 THE COURT: Mr. Linehan, do you want to
8 be heard on the relevance as to this witness?

9 MR. DAN LINEHAN: Yes. I don't see that
10 what the relevance -- I don't understand the rele-
11 vance to the question with regard to this witness.
12 She answered it already.

13 I withdraw the objection as it stands
14 and ask that the matter be closed with that type
15 of inquiry. I have an objection to continuing on
16 as it's been asked and answered.

17 MR. TUERKHEIMER: I intend to continue
18 the line and I would be happy to explain why, Your
19 Honor, if the Court wants me.

20 MR. DAN LINEHAN: Well, Your Honor, I
21 would ask, I guess, that we approach the side bar
22 if Mr. Turekheimer wants to argue from it.

23 THE COURT: You may.
24
25

(Whereupon, a conference was held at the bench between the Court, counsel for the parties and the defendant as follows:)

MR. TUERKHEIMER: Your Honor, I believe
that I can show -- Well, let me start over again.

I don't think this witness worked at the Show Bar the period of time that she says she worked there. Now she has given very strong denial to a lot of things that form part of the prosecution's case; and it seems to me that I can show that she wasn't there as much as she says that she was there.

We can take the test from her testimony.
If she didn't report that income, I think I can
argue to the jury that the reason she didn't report
that income is because she didn't earn it. It's
as simple as that. And it's for that reason that
I am getting into the tax question.

MR. DAN LINEHAN: She said she's never filed one in her life as he says she never earned a penny in her life; and I really don't think whether or not --

THE COURT: That's something that could be argued to the jury.

1 MR. DAN LINEHAN: Well, it's irrelevant.
2 He's asking her. It doesn't, to my mind, have any
3 bearing on whether or not you earned it. You saw
4 the witness's demeanor as well as I did, as well as
5 the jury did and as well as Mr. Turekheimer did.
6 And I don't think that the response that she was
7 always paid in cash, I think was easy enough to tell
8 where that response was coming from. I don't think
9 it's probative of whether or not you earned money
10 with regard to whether or not you report it. I
11 think Mr. Tuerkheimer is possibly -- I don't know
12 much about that area.

13 THE COURT: Surely you don't mean that.

14 MR. DAN LINEHAN: Of course, I do.

15 THE COURT: That it's not probative of
16 whether you earned the money whether you report it
17 or not?

18 MR. DAN LINEHAN: The Court has suggested
19 that people that earn money report it on their income
20 taxes routinely if they're paid in cash in Hurley,
21 Wisconsin.

22 THE COURT: It's not conclusive evidence,
23 but it is surely probative.

24 MR. DAN LINEHAN: We must have different
25 life experiences because to me it would be probative

1 the other way around. But I think that it's
2 extremely -- I don't know that it's too prejudicial
3 to the defense; but I'm not her lawyer. I don't
4 understand tax law that well and I don't know if
5 she's conceding to a crime. I don't know the de-
6 ductions she has. If she earns about \$8,000 a year
7 in cash and doesn't report it, I don't know what
8 that means.

9 THE COURT: Well, I do. It doesn't make
10 a lot of difference how many deductions she has
11 if it's \$8,000.

12 MR. DAN LINEHAN: You can't get that many.
13 THE COURT: She may not owe anything; but
14 that doesn't mean she doesn't need to file a return.
15 The cutoff is considerably lower than that.

16 MR. DAN LINEHAN: Well, I guess I'm not
17 here to protect the witness's rights. I object to
18 it as irrelevant and I will leave it at that. I
19 do not want any instructions given to the witness
20 from my part because, like I say, I don't represent
21 on behalf of the defendant and I don't want any
22 instructions given to her about it. Although it's
23 the Court's obligation, not the defendant's. I'm
24 not trying to interfere. That's just the way I
25 feel on behalf of Mr. Raineri.

1 THE COURT: I really don't have a strong
2 sense of when it is the Court's obligation to warn
3 somebody who is admitting to violating the criminal
4 law; and that is something that I am concerned about.
5 I think that I would like to take some time to check
6 into this at this point; but as far as the relevance
7 objection, that's overruled.

8 MR. DAN LINEHAN: Okay.

9 THE COURT: It's clear. But we will take
10 a fifteen-minute break, a guess a twenty-minute
11 break, because I would like to check what obliga-
12 tion I have to warn this witness.

13 MR. DAN LINEHAN: Sure.

14 MR. TUERKHEIMER: Your Honor, I don't
15 know where we are on this; but it seems to me that
16 if she invokes a privilege against self-incrimina-
17 tion on the tax law, I would move to strike the
18 testimony because, I mean, basically I have the
19 right to cross examine her about testimony which I
20 believe is inaccurate, namely, the amount of time
21 she worked at the Show Bar. And I just state that
22 for the record so that --

23 MR. DAN LINEHAN: I appreciate that; but
24 I think that happens any time any witness takes
25 the Fifth and I don't think that you can necessarily

1 strike what they say.

2 MR. TUERKHEIMER: Well, I think that a
3 motion to strike is directed to the discretion of
4 the Court to that portion of the direct examination
5 which has a logical link to the area where the
6 privilege against self-incrimination is invoked.
7 It's not an automatic thing. It's a thing that
8 there has to be a logical connection; and I claim
9 that there is a very logical connection between --
10 It's a prior statement. She is saying here I
11 earned \$8,000 a year at the Show Bar and her tax
12 return, if there is such a thing, is a prior either
13 consistent or inconsistent statement. And I think
14 it obviously goes very closely to the direct
15 examination.

16 MR. DAN LINEHAN: Since it's proper to
17 lead on cross examination, I obviously didn't
18 and am not going to object if that's done. But
19 the Court heard the lengthy and repeated questions
20 with the Government's mathematics again and again
21 and again; and that's how we arrived at the \$8,000.

22 If the whole thing has been structured
23 in an attempt to find out whether or not she filed
24 taxes and move to strike her testimony, I think
25 that's improper because I think in essence when you

1 ask the same question four times and end up doing
2 the mathematics yourself, that you are going beyond
3 what the normal cross examination is. We're not
4 at that point anyway; so I would suggest we leave it
5 and see what her response is.

6 MR. TUERKHEIMER: That's fair enough.
7

8 (Whereupon, said conference at the bench
9 was concluded.)
10

11 THE COURT: We'll take a recess now until
12 3:15.
13

14 (Whereupon a recess was taken at 3:00
15 o'clock p.m., after which said proceedings were
16 recommenced in open court out of the presence and
17 hearing of the jury as follows:)

18 THE COURT: Counsel, I just wanted to state
19 outside the presence of the jury that I will allow
20 Mr. Tuerkheimer's questions or his line of question-
21 ing and without comment.
22

23 Is there anything now before the jury is
24 called back?
25

26 MR. TUERKHEIMER: Yes, Your Honor. I
27 thought I would save us a trip to the side bar in
28 front of the jury by raising a question now.
29

1 THE COURT: All right. You are aware that
2 the witness is in the courtroom?

3 MR. DAN LINEHAN: Bernice, do you want to
4 wait outside?

5 MR. GENE LINEHAN: Step right through this
6 door here.

7 (Whereupon, the witness left the court-
8 room.)

9 MR. TUERKHEIMER: On direct examination
10 Mr. Linehan elicited from the witness the fact that
11 she had been convicted of a crime. It is my intent
12 on cross examination to elicit from her the fact
13 that the crime for which she was convicted was murder.
14 She was sentenced to life imprisonment. The charge
15 was subsequently reduced to manslaughter and the
16 term was reduced to four to 15 years; and she served
17 three years of that term.

18 MR. DAN LINEHAN: Do you know her release
19 date?

20 MR. TUERKHEIMER: I think she was released
21 in 1975. So the conviction is well within the ten
22 years that the Rules talk about. The murder conviction
23 was in 1972.

24 THE COURT: Comment, Mr. Linehan?

25 MR. DAN LINEHAN: Yeah. I'd object to that.

1 It's been gone into to the extent that she's been
2 convicted of a crime. I don't believe that that
3 particular charge is one that by its inherent nature
4 goes to correct and, therefore, lends itself to the
5 kind of use that it's put.

6 And I further add that the conviction,
7 if it's gone into, although I don't think it should
8 be, should be referred to as manslaughter since, if
9 I understand it correctly, it was an appellate
10 ruling that should have been manslaughter in the
11 first place.

12 MR. TUERKHEIMER: I'll accept that, Your
13 Honor. I'll refer to it as a manslaughter conviction.

14 THE COURT: All right. You refer to the
15 crime, the period of conviction and that's all.

16 MR. TUERKHEIMER: Well, so I don't mis-
17 understand, what I will ask her: is it not a fact
18 that you were convicted of manslaughter. May I ask
19 the sentence?

20 THE COURT: Yes.

21 MR. TUERKHEIMER: And that you were sen-
22 tenced to four to 15 years imprisonment on that
23 charge and you served three years and were released
24 in 1975. Fair enough.

25 THE COURT: Do you understand that?

MR. DAN LINEHAN: I understand that. I still have an objection to it for the grounds stated.

THE COURT: That objection is overruled and it may be asked in for form stated.

MR. DAN LINEHAN: I would ask that the Government grant Bernice immunity since they were given immunity for their witnesses.

THE COURT: All right. Are you making that motion seriously, Mr. Linehan?

MR. DAN LINEHAN: Well, I seriously move that the Government not --

THE COURT: It's hard to hear when you are walking away.

MR. DAN LINEHAN: I understand. I seriously move that before the Government goes any further on this tax issue that the Government grant Bernice DiGiorgio immunity for any alleged tax violations which she may have incurred since they can make those promises to their witnesses, but were not in a position to make those promises to our witnesses. I think it's inequitable and I think that it chills our ability to call witnesses in the defense of Mr. Raineri.

THE COURT: Well, as to what it does about other witnesses, I'm not prepared to make any

2
3 determination at this point.

4 Mr. Tuerkheimer, do you wish to be heard
5 on that request?

6 MR. TUERKHEIMER: Your Honor, no, I don't.
7 I just asked that the motion be denied. I have no
8 desire, no intent to offer Ms. DiGiorgio immunity;
9 and she obviously hasn't been chilled in appearing
here because she appeared for the defense.

10 THE COURT: The motion is denied.

11 Is there anything else, Mr. Linehan?

12 MR. DAN LINEHAN: No.

13 THE COURT: Mr. Tuerkheimer, anything else?

14 MR. TUERKHEIMER: No, Your Honor.

15 THE COURT: You may get the jurors.

16 Mr. Linehan, if you will tell Ms. DiGiorgio
17 that she may come in and take the witness stand again.

18 (Whereupon, said proceedings were recom-
19 menced in open court in the presence and hearing of
the jury at 3:40 o'clock p.m. as follows:)

20 CROSS EXAMINATION (Continued)

21 BY MR. TUERKHEIMER:

22 Q' Ms. DiGiorgio, before the break I asked you whether you
23 reported the income that you earned from the Show Bar on
24 your tax return?

A No, I didn't.

Q You didn't file a tax return, did you?

A I never filed a tax return in my life.

Q Was that because you felt you didn't have any taxable income to report?

A That's because I always figured that nobody ever told me that I had to file because when you're paid cash, you never had to file. But my husband filed tax returns.

Q Oh, so you didn't think you had to report the income; is that correct?

A No. Nobody ever told me I did.

Q You thought that as long as you were paid in cash you didn't have to report that cash to Uncle Sam as income?

MR. DAN LINEHAN: I'd object on the grounds that it's been asked and answered.

THE COURT: Overruled.

BY MR. TUERKHEIMER:

Q Is that correct?

A I didn't get what you said. no.

Q It was your understanding that as long as you were paid in cash you didn't have to report that cash as income on your income tax return?

A Well, sure, because nobody ever said that you did. I never heard anybody ever report any. I've never heard anybody say that when you're paid cash you have to report

2
3 it; so I never did.

4 Q Did you ask to be paid in cash?

5 A Did I ask to be paid in cash?

6 Q Yes.

7 A I always was, every place I ever worked I was paid cash.

8 Q Did you ask Cira to pay you in cash?

9 A Cira paid me in cash.

10 Q Was that because you asked her to?

11 A I asked her to give me my pay in cash because I had two
children in college to support; and she paid me in cash.

12 Q Why couldn't you get a check from Cira, cash that and use
that?

13 A Well, because I knew a few people that the checks from
Cira they bounced; and I didn't want any bounced checks.

14 Q So was that your understanding back in 1976?

15 A Yes. Cira paid me in cash all the time..

16 Q Were you aware of checks that bounced back in 1976 when
17 you started working for Cira?

18 A Yeah. I knew a few that bounced there too, yeah.

19 Q What checks were those?

20 A From different beer men.

21 Q Do you remember who?

22 A What?

23 Q Do you remember which beer men?

24 A No, I can't remember offhand now. I can't think that

25

2
3 fast. But I know a couple that they never got paid and
4 the checks would come back. And they would even tell me,
5 Christ, your checks bounced; now what am I going to do?
6 I said, tell her about it.

7 Q So the reason you asked her to pay you in cash is because
8 you were afraid the check would bounce; is that correct?

9 A Right.
10

11 Q It isn't because you wanted to keep from having to pay
12 income tax?

13 A Income tax never entered my mind. It never even entered
14 my mind to file an income tax.

15 Q You mean --
16

17 A Because all the years I was married my husband and I
18 filed joint returns; and every place that I worked over
19 30 years paid me in cash tending bar; and I never filed
20 income tax at all tending bar.

21 Q You just never thought about it?

22 A No, I never did. Never even entered my mind that you had
23 to pay income tax on cash. I never heard of it.

24 Q On \$8,000 worth of cash a year?

25 A I don't care if I made ten; I never knew that you had to
pay income tax on cash. Nobody ever told me. I'm not
educated.

Q Now did you ever on any occasion during the three years
that you worked at the Show Bar, three and a quarter years

3 while Cira Gasbarri was running it, did you ever get
4 paid by her by check for anything?

5 A No, I never did get paid -- All I ever got paid from Cira
6 was cash money.

7 Q That's it?

8 A Strictly cash. I never received a check from her.

9 Q Now you say you helped her write checks?

10 A I'm pretty sure that I did write the girls' names on
11 some of the checks and different things. And letters
12 and things that she wanted me to write for her, I would
13 help her out, yes. I am pretty sure that I did on a
14 couple girls' names that were sitting at the bar waiting
15 to be paid, and she filled them in and she said, put
16 their name in, Sis, and give them to her.

17 Q She said what?

18 A Sis.

19 Q Sis?

20 A Yeah. She would tell me, she would say, here Sis, fill
21 in their name, find out how to spell it and put it in so
22 they got paid.

23 Q And you say that happened about twice?

24 A Cira always called me Sis.

25 Q That happened about twice?

A I don't know how many times; maybe one or two or maybe
three times that I helped her fill in names. I can't say

3 for certain. I done so much writing for her that I
4 couldn't state it positive; but it seems to me like one
5 time or two that I did fill in the girls' names for her;
6 although she signed the checks that I filled in for her.

7 Q On the one or two or three or four occasions when you
8 did this, it was always a check, a payroll check to an
9 employee of the Show Bar; is that correct?

10 A Yes. It was a payroll check but most of the time Cira
11 paid the girls by cash, in cash in an envelope. I would
12 give them cash in an envelope, in a small brown square
13 envelope. This is how she paid most of the time because
14 this is the way she was taught to pay, I suppose. I
15 don't know.

16 Q Did you ever fill out any checks that were drawn to dis-
17 tributors, liquor distributors for the Show Bar?

18 A I could have, I don't know.

19 Q You don't know?

20 A I can't remember who, everything that I helped her with,
21 you know, as far as writing. But I did a lot of writing
22 for Cira, different things.

23 Q Did you ever write on any check stubs?

24 A No, I did not.

25 Q Let me show you Checks 1660, 1661 and 1662 in Government
Exhibit 7. Did you fill in the Pay To The Order line
on those checks?

1
2
3 A You mean up here?

4 Q Yeah, where it says Bertagnoli Distributors, Gentile
5 Distributors and Gentile Distributors?

6 A I don't know. I could have, yeah.

7 Q You think you could have?

8 A I think I could have, yeah. This could be mine there,
9 I don't know. I'm not sure. Because I helped her with
10 a lot of different things and I really don't know. But
11 I could have. I don't know if I did this one or this
looks like it might be. I really don't know.

12 Q But you think you could have done it?

13 A Yes. That's what I said. Because I've done so much
14 with her and helped her so much that, you know, we were
15 together all the time and I did do different things for
her.

16 Q And Check No. 1663 to Santini Distributing Company, do
17 you think you could have done that, too?

18 A I don't know. That don't look like my writing; but I
19 have some fingers off and sometimes I can write pretty
20 good and other times I can't; so I don't know.

21 Q It may be?

22 A That's why I say I can't remember exactly which ones I
23 did help her with but there is some I might have.

24 MR. TUERKHEIMER: Would you mark this as
25 the next exhibit, please?

(Whereupon, Government Exhibit No. 45 was
marked for identification.)

BY MR. TUERKHEIMER:

Q Government Exhibit No. 45 is a document of seven pages.
Is that a handwriting sample you provided to Special
Agent Burg?

A Yes, I did.

Q Why don't you look at all seven pages.

A These are mine. I done these for Mr. Burg.

MR. TUERKHEIMER: I offer Exhibit 45,
Your Honor.

THE COURT: Any objection?

MR. GENE LINEHAN: No objection.

THE COURT: Received.

(Whereupon, Government Exhibit No. 45
was received in evidence.)

BY MR. TUERKHEIMER:

Q I take it from your direct examination that you were at
the Show Bar just about every night when it was open,
weren't you?

A I was at the Show Bar just about every night it was open
and also during the day. Even though it wasn't open,
I was there most of the time with Cira. Cira and I were
together all the time.

Q Do you remember telling Special Agent Burg on February

3 28, 1980 that you occasionally worked at the Show Bar
4 when the owner needed your help?

5 A That is true. I did tell Mr. Burg that. And I also
6 stated that in my testimony before, I am sure, that when
7 she called me to help her I was there; or she would say,
8 well, Sis, you've got to come in and help me out; and I
9 would say, okay, I will be there.

10 Q Did you tell Burg that that was occasionally?

11 A That was occasionally that she would ask me to work. I
12 worked off and on. But I was also paid to sit at the
13 Shw Bar and see that it was run right when she was not
14 there.

15 Q Well, you testified a moment ago that you were there
16 every night when it was open and you're saying you were
17 also there occasionally?

18 A I don't get what you mean by that. But I was there when
19 Cira needed me. Like I said, well, occasionally she would
20 call me up; but most of the time we were together there.
21 Because a lot of times I would be home and Cira would
22 call me. It didn't make any difference if she called me
23 in the daytime or 10:00 at night or 11:00; she would say,
24 Sis, come on up there and I would say, okay.

25 Q Were you there every night that it was open or were you
there occasionally?

A I was there when it was open; I was also there during

3 the day.

4 Q You told Special Agent Burg you were there occasionally.

5 MR. DAN LINEHAN: I would object on the
6 grounds it's been asked and answered.

7 THE COURT: Overruled.

8 BY MR. TUERKHEIMER:

9 Q Did you hear my question?

10 A I hear your question, yes.

11 Q You told Special Agent Burg that you were there
12 occasionally?13 A I might have told him occasionally or he might have mis-
14 understood or misinterpreted the way I explained it to
15 him; because I'm not too good at explaining things anyway.
16 But I know what I mean.

17 Q Yeah. Well, I'm asking you.

18 A I might explain it wrong, but I know what I mean.

19 Q But you're agreeing that that's what you told him?

20 A I probably did, yes, I did. If that's what he said,
21 that's what I said.

22 Q Were you there every night that Pat Colassaco was there?

23 A Yes, except I took care of my boyfriend's mother and
24 there was a couple nights his mother was sick that I
25 wasn't around there.Q Except for those two nights you were there every night
with Pat Colassaco?

A Yes, I was. I was there most of the time. Just about every night of the week. There was a couple occasions I didn't show up because his mother was sick.

Q As far as you know until when did Pat Colassaco work there?

A I think Pat started working there in 1977 if I am not mistaken.

Q Until when did she work there?

A Or '78, I am not sure. '77 I am pretty sure she worked.

Q And how long did she work there?

A She worked off and on because they would get in an argument and she would either get fired or quit; and then she would come back, get fired and quit. And there was one royal battle there all the time between Cira and the help.

Q Did Pat also threaten to burn the place down?

A Yes, she did. Her and Yvonne and I think it was Sandy.

Q Pat also threatened to burn it down?

A Yes, she did, if she didn't keep them working and she didn't agree with them they would threaten Cira.

Q When you say "they"?

A The three I just mentioned.

Q Yvonne, Sandy and Pat?

A Yes, they did.

Q When, as far as you know, was the last time that Pat

3 worked there?

4 A The last time I seen Pat is the night that I worked for
5 Vitich.

6 Q All right. Before that?

7 A Before that?

8 Q Yes.

9 A I can't recall. I think it was around Labor Day.

10 Q Were you there every night when Angela was there?

11 A Yes, I was.

12 Q Now when you were just there watching what were you
watching for?13 A Well, one thing, the girls robbed Cira blind. They would
steal bottles, they would steal money from the till,
they would do anything possible that they could.14 Q You mean when Cira complained that people were stealing
from her, she wasn't imagining things; it was really
going on?

15 A This was going on. I seen it happen myself, yes.

16 Q And it was your job to see to it that they didn't steal?

17 A That's right.

18 Q And what did you do when you saw them stealing?

19 A What did I do?

20 Q Yeah.

21 A I fired them on the spot as I was told to do.

22 Q And then Cira would re-hire them because they threatened

2
3 to burn the place down?

4 A They threatened, yes, they did.

5 Q And she would re-hire them?

6 A She would re-hire them, sure, because she was scared of
7 the joint being burned down; and she was scared of her
home being burned down.

8 Q So she was paying you to sit there at the bar at night
9 to watch what was going on, to look for people stealing;
10 and when you reported them stealing, when you fired them,
11 she would then hire them back?

12 A That's right.

13 Q So would you tell us exactly what function you served
there?

14 A Pardon?

15 Q What was the purpose of your job if she hired them back
anyway?

16 MR. DAN LINEHAN: I object to that as
being argumentative.

17 THE COURT: Overruled.

18 THE WITNESS: Well, I don't know what the
purpose of the job is like that. I don't know
what you would call it.

19 BY MR. TUERKHEIMER:

20 Q How much did she pay you to sit there?

21 A Thirty-five dollars a night.

Q What else were you supposed to look for besides girls
stealing?

A Drugs in the building. A lot of times I had gone in the
dressing room to see if there was drugs around, pills
and that when the girls were dancing; because we had
heard from several different customers that they were
taking heroin and they were trying to sell heroin at the
bar. And Cira wanted me to find out. If there was any
in the building, she wanted it out of there. And should
I find any or find anything like this, for me to call
the cops and bring them there which I did if I would
find anything. I was to call the cops.

Q Did you find any pills?

A I did find pills and that; but by the time that I got
ahold of Cira to get the police down there, the girls
had already flushed them because they knew what I was
looking for, yes.

Q Where did you have to get ahold of Cira?

A Because I didn't figure it was my place to call the cops.
As long as she told me to do it, I think she would call
the cops and say, hey, go up there, Bernice needs you.
Because Cira did not want no illegal stuff going on at
the bar; and she said it over and over and over again.
She strictly wanted the place run straight and she wanted
it run decent.

Q While you were sitting at the bar watching did you occasionally take a drink yourself?

A Did I drink? Yes, I drank.

Q Well, if you sat there from, say, 7:00 or 8:00 until 1:00, about how many drinks would you have?

A I would have about seven, eight cups of coffee. I kept my own coffee at the bar. And I sat and drank coffee.

Q Did you drink any liquor?

A No, I did not. I don't drink liquor. On occasion I will have maybe one or two drinks of brandy or something, but that's about all. I usually drink beer with tomato juice.

Q All right. Did you drink any beer?

A No, I didn't drink beer at the bar; not when I am working.

Q And that was every night you were there?

A Yes. I drank coffee all the time.

Q But you didn't drink any beer because you were working?

A I don't drink beer when I work. No, I do not.

Q You testified on direct examination that you had been convicted of a crime; is that correct?

A Yes, I did.

Q That crime that you were convicted of, was that manslaughter?

A Yes, it was.

1
2
3 Q And were you sentenced to a period of four to 15 years
imprisonment?
4

5 A Yes, I was.
6

7 Q And you were released of that period of incarceration
in 1975 after serving three years; is that correct?
8

A I went to prison in April of 1972 and I come home in
February of 1975.
9

Q Now on direct examination you also testified that there
was that time when you were sitting out in front of the
Show Bar when Cira and you were watching the men go
upstairs. Do you remember that?
10
11
12

A There was what? I can't hear you, sir.
13

Q You were sitting out in front of the Show Bar with Cira
in the car and you saw men going upstairs?
14
15

A That is true.
16

Q And that was in the period before Mr. Vitich ran the
place; isn't that correct?
17
18

A This is before Vitich ran the place, yes.
19

Q And at that time there were a number of girls living
upstairs, weren't there?
20
21

A There was three.
22

Q Who were the three?
23

A There was Yvonne; there was two white girls from Madison,
two strippers from Madison.
24

Q All right. And you caught them in what you felt was
25

3 committing acts of prostitution; is that right?

4 A I didn't say I caught them in prostitution. I said we
5 caught them going into the building after hours which
6 was not permitted. Any men were not permitted in the
7 building at all after hours.

8 Q As far as you were concerned the problem was that there
9 was prostitution going on; isn't that right?

10 A Well, actually I don't know if it was prostitution.
11 But when Cira and I went upstairs the guys told us that
12 they come up here to have a party with the girls. And
13 Cira looked at me and I said, there isn't going to be
14 any party in this building. It's illegal. Out. So
the girls went with them.

15 Q Did you report it to the police?

16 A No, I don't think so. I don't know if she did or not.
I didn't. I don't know if Cira did.

17 Q And Yvonne Spears was fired?

18 A We fired them all right then and there and Cira told
19 them, pick up your checks in the morning.

20 Q They were paid by check?

21 A That's what she said; you pick up your checks in the
morning.

22 Q Was that the first time Yvonne Spears was fired?

23 A No. She had been fired before that three, four times.

24 Q And was she going to be fired again after that?

1 A She got fired many times after that, too.

2 Q So Cira would fire people, dancers such as Yvonne when
3 she thought that they were --

4 A She would fire or have me fire them and then re-hire them.

5 Q Let me finish the question. Cira would fire dancers such
6 as Yvonne when she thought that they were engaged in
7 prostitution; and then she would re-hire them?

8 A Then she would turn around and re-hire them because they
9 would threaten her.

10 Q You testified that Alex Raineri is a friend of yours?

11 A Yes. Alex has been a friend of mine for many years.

12 Q Does he also call you Sis?

13 A No, he does not.

14 Q Has he also been your attorney?

15 A Yes, he was my attorney.

16 Q And is he someone who you go to when you have a problem?

17 A Yes, he is.

18 Q And not just a narrow legal problem but even a problem
19 that isn't legal; isn't that right?

20 A Yes.

21 Q So that if you need advice and you need some help you
22 go to Alex Raineri?

23 A Yes, I talk to him like a friend, you know. Like if I
24 have problems with my children or something, well, I
25 would talk to Alex and his wife and ask them, geez, what

3 am I going to do with this kid, you know. And they would
4 help me out, give me advice.

5 Q You've testified that -- Well, let me strike that.

6 Did you tell Alex Raineri that dancers were taking
7 guys upstairs in the Show Bar and did he tell you that
8 you should dump them, get rid of them?

9 A I never told Alex that, no. I had no reason to talk to
10 Alex about the Show Bar.

11 Q Well, you say you had no reason. Wasn't that a problem
12 of yours?

13 A It was no problem of mine, no. It wasn't a problem of
14 mine. I didn't own the Show Bar.

15 Q Here you were hired to work at the Show Bar, among
16 other things to watch out for prostitution. You think
17 you find prostitution. You can the girls and the next
18 thing you know Cira re-hires them. Wasn't that a little
19 bit of a problem for you?

20 A Well, sure. But that was Cira and I's business. Cira
21 and I talked this over.

22 Q But you never talked about it with Alex Raineri?

23 A No, I never did talk to Alex Raineri about the Show Bar.
24 I had no reason to.

25 Q Well, on February 28, 1980 did you tell Special Agent
Burg that you discussed prostitution with Raineri when
you were working at the Show Bar telling Raineri that

the dancers were taking guys upstairs and on these occasions Raineri would say, dump them?

A No, I didn't tell Mr. Burg that. I think Mr. Burg got mistaken up there on somebody else's testimony; because when Burg asked me, I told Burg I had not reason to discuss the Show Bar at any time with Alex because I never knew nothing about Alex being there or having any connections with the Show Bar.

Q One second.

Ms. DiGiorgio, when Cira paid you did she pay you in bills with large denominations?

A What do you mean, by hundreds?

Q Did she give you twenty dollar bills, fifty dollar bills, hundred dollar bills?

A Well, sometimes she would give me a ten with a bunch of ones, some fifties; sometimes she would give me a twenty or a twenty and a ten or twenty and two fives.

Q Where did she get it from?

A From her purse.

Q Did she pay you every day that you worked?

A Yes, she paid me every day.

Q Every day?

A Every day.

Q So it wasn't like you worked there for a week and you got paid at the end of the week?

1
2
3 Q You got paid every day?

4 A I was paid every day.

5 Q Did she pay you in the morning, after you stopped working
6 for the morning work or the afternoon work and then pay
7 you again for at night; or did she pay you all at once?

8 MR. DAN LINEHAN: Object on the grounds
9 of relevance.

10 THE COURT: Overruled.

11 BY MR. TUERKHEIMER:

12 Q You can answer.

13 A I don't know what you're talking about.

14 Q Well, you testified that you worked, sometimes you worked
15 in the morning or in the afternoon to get the place
16 cleaned up; and then you would work at night either as
17 a bartender or sitting there watching.

18 My question is, did she pay you in the morning or
19 the afternoon after you helped clean up for that part of
20 your work that day, or did she wait until the end of the
21 day and pay all at once?

22 A Well, she would pay me -- A lot of times we would go in
23 and we would work all morning and maybe 2:00 in the after-
24 noon, then we go over to her house and we work around her
house. Then she would pay me. And I would go eat supper
and then I would come back and I would be at the bar at
night.

Q And then she would pay you at night?

A And then she paid me when I took the till home. I would go over there.

Q Did you notice whether she kept any record of the amounts of money that she paid you?

A Not that I know of. No, I don't know.

MR. TUERKHEIMER: I don't have any other questions.

THE COURT: Mr. Linehan.

MR. DAN LINEHAN: If I may have a second.

REDIRECT EXAMINATION

BY MR. DAN LINEHAN:

Q Did you on occasion do errands and get supplies for Cira Gasbarri?

A Yes, I did.

Q How old are you?

A How old am I? I'm 53.

(Whereupon, Defendant's Exhibit No. 31 was marked for identification.)

BY MR. DAN LINEHAN:

Q I have what's been marked as Defendant's Exhibit 31. I would ask you to take a look at it. Do you know what those sheets are that make up Defendant's Exhibit 31?

A Yes, I do.

Q What are they?

A These are all different things that I got for remodeling the Show Bar from Pedri's Hardware Store with my signature on them.

Q Whose name appears on the top three?

A W. Osborne, W. Osborne, W. Osborne.

Q And whose name appears on all the rest of the sheets?

A Bernice DiGiorgio, and Bernice DiGiorgio.

Q And what were the materials that are reflected on the sheets that are this Exhibit 31 used for, if you know? And I would like you to take a minute and look at what some of them are.

A Do I have to go through all of these?

Q If you know.

A Or just tell you what they are?

Q Do you know what they are, what the materials --

A Yes. This is different equipment for everything that we bought to remodel the upstairs for fixing window, beds, furniture shampoo, carpeting and everything that was to be repaired upstairs when we done the upstairs.

Q Did Mr. Tuerkheimer promise you any kind of immunity to

3 come down here and testify?

4 A No.

5 Q Did you ask him for any?

6 A No, I did not.

7 MR. DAN LINEHAN: I would move the admis-
sion of Defendant's Exhibit 31.

8
9 VOIR DIRE EXAMINATION

10 BY MR. TUERKHEIMER:

11 Q Ms. DiGiorgio, if Mr. Osborne's name appears on a receipt,
does that mean that he picked it up?

12 A Yes. When we were working upstairs a lot of times I would
13 be doing one thing or another and I would say, Ozzie,
14 run up to Pedri's and get this or get that. And other
15 times I would pick it up before we started working.

16 Q Did he ever pick anything up as far as you know when you
17 didn't ask him to?

18 A No.

19 Q You mean every time he went to pick something up it was
because you asked him to?

20 A Yeah. Well, we had to have nails and screws and bolts
21 and paint and this and that that you use to remodel with,
22 you know, things that we were fixing. And, you know,
23 window he took up to Giovanoni's to get windows put in,
24 some of the broken windows and curtain rods. And a lot
25 of times I would say, you run up, if we're going to fix

3 that, well, I would say run up to Redri's and get them.

4 MR. TUERKHEIMER: I don't have any objection.

5 THE COURT: It's received.

6 (Whereupon, Defendant's Exhibit No. 31 was
7 received in evidence.)8 MR. DAN LINEHAN: Thank you. I don't have
9 any more questions.10 MR. TUERKHEIMER: I have just one based on
11 this.12 RECROSS EXAMINATION

13 BY MR. TUERKHEIMER:

14 Q Ms. DiGiorgio, the earliest date on these receipts when
15 your name appeared is July 22, 1977; isn't that right?

16 A I guess so, yeah. Yeah, I think so.

17 Q And the latest receipt on which your name appears in
18 this exhibit is August 18, 1977; is that right?

19 A Yes.

20 MR. TUERKHEIMER: That's all, Your Honor.

21 THE COURT: You may step down.

22 (Witness Barnice DiGiorgio excused at
23 4:13 o'clock p.m.)

24 THE COURT: Mr. Linehan.

25 MR. LINEHAN: I call Mr. Pete Ramuta to



RECEIVED

Office of the Clerk

MAY 13 1981

SUPREME COURT

U.S. ATTORNEY

Western District—Wisconsin

STATE OF WISCONSIN

for
FILED

APR 14 1981

b6
b7CCLERK OF SUPREME COURT,
MADISON, WISCONSIN
Madison, April 14, 1981

To Attorney Gene D. Linehan
P. O. Box 299
Wausau, WI 54401

Board of Attorney Professional
Responsibility

The Court today announced an order in your case as follows:

In the Matter of the Disciplinary Proceedings
Against Alex J. Raineri, Attorney at Law

A petition for the revocation of his license to practice law in Wisconsin having been filed with the Board of Attorneys Professional Responsibility on January 26, 1981 by Alex J. Raineri and the Board having reviewed the petition and having made its recommendation to the court that it be accepted,

IT IS ORDERED that the petition is granted and the license of Alex J. Raineri to practice law in Wisconsin is revoked effective the date of this order.

194-35-530

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JUN 4 1981		
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Clark of Supreme Co.		

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194-35-531

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 4 1981	
FBI - WASH D.C.	
[Redacted]	

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(Indicate page, name of newspaper, city and state.)

(Mount Clipping in Space Below)

Date: 5/27, 30/81

Edition:

Title: Daily Globe
Ironwood, Mich.

Character:

or 194-35

Classification:

Submitting Office:

5/27

May Appoint Iron Judge Thursday

By RALPH ANSAMI
Daily Globe Staff

A new Iron County judge will be appointed Thursday or early next week, County Board Chairman Louis Leoni said Tuesday night.

Leoni made the announcement while reviewing communications at Tuesday night's county board meeting. He said he did not know who Gov. Lee Dreyfus will appoint.

Four candidates have been interviewed for the circuit court judgeship which has been vacant for

almost a year since Alex J. Rainieri, Hurley, was indicted on five prostitution-related counts last summer. He was convicted on all five counts in December.

Two of the candidates are from Iron County. Paul Swain, legal counsel to the governor, confirmed last week.

One of the candidates is Raynold Rusch, 59, who lives in Springstead. His wife operates a store there and he has a law practice there.

Rusch, contacted by telephone

Tuesday, said he "hasn't heard a word" concerning the appointment. He said he chose to seek the judgeship after residents of the Springstead-Mercer area encouraged him to try for the seat.

"I never really intended to get involved, but I have always been active in community affairs...I'll throw in my hat," Rusch said.

He said he has been active in the Wisconsin Bar since 1951 after receiving his law degree from the University of Wisconsin-Madison in August of the same year. He has worked in the attorney general's office, corporate law, labor relations and has been involved in the banking business.

Rusch, a native of Fond du Lac, said he is a conservative.

He said he does not know who the other candidates for the judgeship are.

Francis Fassino, Montreal, former Iron County judge, has expressed interest in the position. He is employed in the public defenders office in Ashland which covers Iron County.

One of the candidates from out of the county is Gene Potack, Wausau, director of Wisconsin Judicare for the 33 northern counties in the state.

Potack, 29, said this morning he is "anxiously awaiting" word on the appointment.

Potack said he is not active in either political party.

He received his law degree from Marquette University.

Potack lived in Mellen for six years, graduating from high school there in 1969.

4th Candidate Named For Iron Judge Post

Lance Jones, a former Sheboygan County district attorney, is one of four candidates for Iron County judge, the Daily Globe has learned.

A new judge is expected to be named early next week. Iron County Board Chairman Louis Leoni said earlier this week he was informed the appointment would be made late this week or early next week.

Gov. Lee Dreyfus will make the appointment to fill the circuit court judgeship which has been vacant for almost a year since Alex J. Rainieri,

Hurley, was indicted on five prostitution-related counts last summer. He was convicted on all five counts in December.

Two of the candidates are from Iron County. One is Raynold Rusch, 59, Springstead. Francis Fassino, Montreal, former Iron County judge, has also expressed interest in the position.

The fourth candidate is Gene Potack, 29, Wausau, director of Wisconsin Judicare for the 33 northern counties in the state.

Varda Appointed Iron Judge



JOHN VARDA

By DENNIS McCANN
Globe Madison Bureau

MADISON, Wis. — John P. Varda, a Hurley native and long-time lobbyist for Wisconsin's trucking industry, was named Iron County Circuit Judge today by Gov. Lee Dreyfus.

Varda, 64, of Madison, replaces former Judge Alex J. Raineri, who was removed from office last year after being indicted on federal charges of participating in prostitution activities in Hurley.

Under Wisconsin law, Varda will be able to take the oath of office ten days after establishing residency in Iron County. He will serve the remainder of Raineri's term, which expires July 31, 1982.

He attended Gogebic Community

College before receiving undergraduate and law degrees from the University of Wisconsin in 1940. He practiced law in Hurley and Eagle River before being elected to the state Assembly in 1940 at the age of 24.

Varda served in the Army during World War II and remained in Europe for several years after the war, representing several American firms with paper and pulp interests in Germany, Sweden and Switzerland.

Varda returned to the United States in 1950 and became general manager and president of the Wisconsin Motor Carriers Association. He served as a lobbyist for truck line owners and operators.

For the last five years he has

served as general counsel to the Wisconsin Motors Carriers Association as a member of a Madison law firm.

Paul Swain, Dreyfus' legal counsel, said Varda was not among a group of four candidates interviewed by the governor several weeks ago. He said Varda expressed interest in the position last week and was interviewed by Dreyfus.

Gene Potack, Wausau; Raynold Rusch, Springstead, and Lance Jones, former Sheboygan County district attorney, confirmed they were interviewed for the judgeship. Former Iron County judge Francis Fassino also expressed interest in the position.

Varda's Maple Bluff home is several doors from the Governor's executive residence.

(Mount Clipping in Space Below)

Varda Will Run in '82

By RALPH ANSAM

Daily Globe Staff

John P. Varda, the Hurley native who was appointed Iron County circuit judge Friday by Gov. Lee Dreyfus, said he plans on running for the judgeship in the 1982 election.

Contacted at his Madison law office this morning, Varda told the Daily Globe he decided seek the vacant judge's seat after being encouraged to do so May 28 when he was named Hurley High School's "Alumnus of the Year."

"Some people talked to me about it (the judgeship) while I was in

Hurley for the award. I put in my application on Monday and was interviewed on Tuesday," Varda said. He said his wife also encouraged him to seek the judgeship.

Varda, 64, a 1933 graduate of Hurley High School, said he had "no intention" to seek the judgeship until he visited Hurley.

Varda said he plans to run for judge in 1982 because he will be settling in Hurley and he would not come to the area for just seven or eight months.

He was appointed to serve the remainder of the term that runs through July 31, 1982.

Varda said tentative plans call for him to come to Hurley June 15 to get acquainted with local residents and the court system. He plans to move to Hurley June 27 and will take over the judge's seat then. He said his wife, also a lawyer, does not plan on practicing law in the Hurley area.

The appointment came as a surprise to many city and county officials who did not know Varda was a candidate.

A long-time lobbyist for Wisconsin's trucking industry, Varda was not among a group of four candidates interviewed by the

governor several weeks ago.

Gene Potack, Wausau, and Raynold Rusch of Springstead confirmed they were interviewed for the position. Former Iron County judge Francis Fassino and Lance Jones, former Sheboygan County district attorney, also expressed interest in the judgeship.

Former judge Alex Raineri, Hurley, was removed from office last year after being indicted on federal charges of participating in prostitution activities in a Hurley nightclub. He was later convicted on all five counts.

Date: 6/15-6/6/81
Edition: Daily Globe
Title: Ironwood, rock place.

dicate page, name of newspaper, city and state.)

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 16 1981	
FBI - MILWAUKEE	

194-35-532

194B-35

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(Indicate page, name of A-1 newspaper, city and state.)

DAILY GLOBE
IRONWOOD, MICHIGANDate: 6/16/81
Edition: FINAL

Title:

Character:

or 194-35

Classification:

Submitting Office: MILWAUKEE

Raineri Removed

MADISON, Wis. (AP) — Alex J. Raineri, convicted in U.S. District Court of having promoted interstate prostitution, was formally removed Monday as a Circuit Court judge by the Wisconsin Supreme Court.

Raineri was suspended from the court last year after being accused of helping operate a Hurley tavern's prostitution business while he was Iron County district attorney.

He was convicted earlier this year of making false statements to a grand jury, threatening a witness and engaging in interstate transportation concerning racketeering.

The Supreme Court suspended Raineri's law license in April. It said Monday's action reflects "a judicial disciplinary proceeding."

194-35-533

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 19 1981	
FBI - MILWAUKEE	

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(Indicate page, name of newspaper, city and state.)

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DAILY NEWS
 RHINELANDER, WISCONSIN
 Date: 6/16/81
 Edition: FINAL

Title:

Character:

or 194-35

Classification:

Submitting Office: MILWAUKEE

Court dumps Raineri

MADISON (UPI) — Alex J. Raineri, the Iron County circuit judge who was convicted in federal court of five felonies involving prostitution at Hurley, was formally removed from the bench Monday by the Wisconsin Supreme Court.

The court's order said the removal would make Raineri ineligible for reappointment to or temporary service in that judicial office.

Raineri was convicted in federal court in April of interstate transportation in aid of racketeering, lying to a grand jury and threatening a grand jury witness. He was fined \$15,000 and sentenced to three years in prison.

Earlier, the high court had revoked his license to practice law in Wisconsin.

"The conviction rendered Judge Raineri ineligible to the office of circuit court judge in Wisconsin," the high court said. "...Judge Raineri's conviction of and sentence for a felony brought about a vacancy in the office he held."

The court also said the revocation of Raineri's license to practice law made

him ineligible to serve as a judge. Gov. Lee S. Dreyfus recently appointed trucking industry lobbyist John Varda of Madison to succeed Raineri. Varda, longtime head of the Wisconsin Motor Carriers Association, is a native of Hurley.

In another decision, the judges ordered resentencing of Samuel D. Robinson, convicted in Rock County of the December 20, 1977, robbery of the Beloit State Bank.

Robinson was sentenced to up to 10 years for armed robbery plus two and a half years for concealing his identity by wearing a wig. The Supreme Court said Robinson was properly convicted of armed robbery, but the offense of concealed identity should not have been treated as a separate crime.

The justices upheld the extradition of Phillip Reddin, released from prison in Wisconsin in 1979 after serving a term for manslaughter, to Kentucky to face parole violation charges there. Reddin's Wisconsin conviction was in Wood County circuit court.

194-35-534

SEARCHED	INDEXED
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JUN 16 1981	
FBI - MILWAUKEE	

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FBI/DOJ

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TRANSMIT VIA:

- Teletype
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- PRECEDENCE:
 Immediate
 Priority
 Routine

- CLASSIFICATION:
 TOP SECRET
 SECRET
 CONFIDENTIAL
 UNCLAS E F T O
 UNCLAS

Date June 30, 1981

TO: DIRECTOR, FBI (194-359)
ATTENTION: WHITE COLLAR CRIMES SECTION
PUBLIC CORRUPTION UNIT

FROM: SAC, MILWAUKEE (194-18)

SUBJECT: CORRUPTION OF PUBLIC OFFICIALS SURVEY
10/1/80 - 3/31/81

BUDED - 7/1/81

Re Bureau airtel to all SAC's dated 6/3/81.

Enclosed for the Bureau are three copies each of survey sheets describing Public Corruption cases being worked in the Milwaukee Division since October 1, 1980.

3 - BUREAU (194-359) (Encls. 27) (AM) (RM)
10 - MILWAUKEE
(1 - 194-18)
(1 - 194-B-11)
(1 - 194-B-30)
(1 - 194-B-34)
(1 - 194-B-35)
(1 - 194-C-57)
(1 - 194-C-59)
(1 - 194-D-63)
(1 - 194-A-66)
(1 - 194-A-72)

(15)

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Approved: _____

Transmitted _____

SEARCHED
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INDEXED
FILED

(Number)

(Time)

Per _____

194-35-535

BASIC CORRUPTION DATA SHEET (A)
TO BE COMPLETED FOR EVERY PUBLIC CORRUPTION CASE

Title of Case:

ALEX J. RAINERI
CIRCUIT JUDGE
HURLEY, WISCONSIN;
HOBBS ACT - CORRUPTION OF PUBLIC
OFFICIALS
OO: MILWAUKEE

Level of Government:

Federal _____
State XXX
City _____
County _____
Territory _____
(One only)

Field File # MI 194-B-35

Bureau File # 194-B-1122

Date case opened: 11/6/79

If closed, date closed: 3/11/81

Identity of official(s) and position held:

See title.

Were any of the following techniques or services utilized in this investigation:

(Indicate with a (X) only if the technique or service was used.

- Accounting Technician Assistance
- Aircraft Assistance
- Computer Assistance
- Consensual Monitoring - Telephone
- Electronic Surveillance - Title III
- CCTV
- Body Recorder
- Pen Register
- Grand Jury
- Identification Division Assistance
- Informant Information
- Laboratory Division Examination
- Photography
- Show Money Usage
- Surveillance Squad Assistance
- Telephone Toll Records
- Undercover Operation
- Group I
- Group II
- Visual Investigative Analysis Assistance

PROSECUTION OBTAINED (SHEET B)

(Complete only if applicable and attach to Sheet A)
Include only indictment and convictions obtained during current
survey period.

Indictment(s)/Information(s)

(A) Name of individual and title

Alex J. Raineri
Circuit Judge

(B) Date of indictment/information

Indicted June 6, 1980

(C) Alleged offense/statute applicable

ITAR - Prostitution

Convictions

(A) Name of individual and title

Alex J. Raineri
Circuit Judge

(B) Date of conviction

December 17, 1980

(C) Offense/ statute

ITAR - Prostitution; Perjury; Obstruction of Justice
Title 18, United States Code, Section 1952

(D) Date of sentencing or (scheduled date)

March 6, 1981

(E) Sentence received

\$5,000.00 fine on each of three counts of ITAR - Prostitution; one year in custody for Perjury; two years' consecutive custody for Obstruction of Justice

Post Office Box 2058
Milwaukee, Wisconsin 53201

July 13, 1981

Honorable Frank M. Tuerkheimer
United States Attorney
Western District of Wisconsin
Madison, Wisconsin

Dear Mr. Tuerkheimer:

Re: [redacted]

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Attorneys for Alex J. Raineri;
Obstruction of Justice; Contempt of
Court

This is to confirm a conversation between yourself and Special Agent [redacted] of this office on June 25, 1981, wherein the following facts were discussed:

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Investigation during the December, 1980, trial of Alex Raineri reflected that defense attorneys had made statements claiming they were calling witnesses who would, "Say what they wanted them to say", or "say what they wanted to hear". When this was learned, defense attorneys then attempted to confuse or disguise this issue by making spurious claims about the prosecution.

Following the trial, government witness [redacted] was contacted by attorney [redacted] wanting to talk to him and promising to get himself [redacted] in [redacted] local case so he could dismiss charges if [redacted] would cooperate with him. [redacted] refused to talk to [redacted]

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A copy of the transcript of testimony of defense witness [redacted] was furnished to Internal Revenue Service but has not resulted in any information to date.

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It was your decision to decline consideration

ROUTE TO
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MARK INDEXING AND
INITIAL
DATE

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1 → 194B-35
[redacted]

(3)

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SEARCHED INDEXED
SERIALIZED FILED
194-35-536

Honorable Frank M. Tuerkheimer
July 10, 1981
Page 2

against the [redacted] in this matter.

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b7C

It is suggested that you may wish to comment upon
the ethics of these attorneys to the appropriate State Bar
Committee.

Very truly yours,

H. ERNEST WOODBY
Special Agent in Charge

By:

[redacted]
Assistant Special Agent in Charge

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

1

December 10, 1980

Date of transcription _____

[redacted] was inter-
 viewed at the United States Attorney's office, Madison, Wisconsin,
 by Special Agent [redacted] who identified himself as a
 Special Agent of the FBI. [redacted] provided the following information:

During the late afternoon and early evening of December 8, 1980,
 [redacted] for the Judge ALEX RAINERI trial were

[redacted]
 Madison, Wisconsin.

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[redacted]
 during the conversation. [redacted] heard numerous people around her
 talking about the Judge ALEX RAINERI trial and [redacted] noted that
 most of these people were witnesses for the trial. [redacted] further
 noted that witnesses that had testified were talking to witnesses
 who had not testified. [redacted] thought the witnesses were not
 suppose to discuss the trial because [redacted] had told [redacted]
 she could not even talk to her relatives who were testifying.
 Some of those individuals talking about the case were [redacted]
 [redacted] and an individual named [redacted] asked [redacted]

told [redacted] then
 went and sat down in another part of the bar. [redacted] later
 came up to [redacted] and said, [redacted]

[redacted] stated [redacted] was suggesting that [redacted]
 and [redacted] Special Agent [redacted]
 of the FBI came into the lobby of the Park Motor
 Inn at about this time, and [redacted] told [redacted] she wanted to talk
 to him. [redacted]

[redacted] wanted to talk to [redacted]
 then told [redacted] she would get [redacted] over to
 confirm the fact about the [redacted]

[redacted] told [redacted] to talk to [redacted]

[redacted] and [redacted] told [redacted]
 [redacted] said, [redacted] said that [redacted]

Investigation on December 9, 1980 at Madison, WI File # MI 1944B-35-531
 b6
b7C

by SA [redacted] Date dictated December 10, 1980

[redacted] then left and went back to sit with [redacted]
[redacted] then left the lobby area. [redacted] went over to
[redacted] who was talking with [redacted] and [redacted] told [redacted]

b6
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and said she was afraid of [redacted]

[redacted] Wisconsin, b6
she was in Room [redacted] b7C

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 12/16/80

The following observations were noted by Special Agent [redacted] on the evening of December 8, 1980, and morning of December 9, 1980, at Madison, Wisconsin, in conjunction with the trial of Alex J. Raineri in U. S. District Court, Madison, Wisconsin.

Following court on December 8, 1980, Special Agent (SA) [redacted] proceeded at approximately 5:15 - 5:30 PM to the Inn on the Park, Madison, Wisconsin, the agent's place of lodging during the trial. When passing through the hotel lobby, a number of persons were observed who were known to the agent as being from Hurley, Wisconsin, and in Madison in connection with the trial. Also observed present in the cocktail lounge were [redacted] and [redacted], the [redacted] representing Raineri. Raineri was not observed present. SA [redacted] proceeded past the lounge without entering, went upstairs to his room, after which agent left the hotel for dinner, returning around 6:45 - 7:00 PM.

Agent left the hotel en route the U. S. Attorney's Office. Passing through the lobby en route, agent observed in the bar [redacted] Michigan, a witness who had been subpoenaed by the government in this case [redacted]

[redacted] It was known to the agent that [redacted] had been subpoenaed by the defense. Agent walked into the bar and said hello to [redacted]. She was told that agent was not trying to appear unfriendly, but that conversation with her, particularly regarding the case, should be kept to an absolute minimum until after her testimony. She stated that she understood. It was observed at this time that [redacted] was seated at the bar next to an attractive, light skinned, well dressed, [redacted], who upon hearing the agent's statement to [redacted] interjected [redacted] " in agreement with the agent.

Agent then left the hotel.

At around 10:15 PM, agent returned to the Inn on the Park from the U. S. Attorney's Office. Upon entering the lobby, agent observed at the hotel desk one [redacted] a witness who had testified earlier in the day. [redacted] stated something to the effect that she would have to teach the agent a thing or two about how things were done in Hurley

Investigation on 12/8, 9/80 at Madison, Wisconsin File # 194B-35-538

by SA THOMAS E. BURG [redacted] Date dictated 12/14/80

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b7Cb6
b7C

(Wisconsin). Agent declined the offer. [redacted] then introduced agent to her [redacted], " a white male who was walking into the lobby along with another witness. [redacted] Agent walked to the hotel elevator with [redacted] and [redacted], and engaged [redacted] in a short conversation near the elevator and departed. At this time, agent observed Ms. [redacted] at the hotel bar in approximately the same location as before. [redacted] apparently observed the agent and motioned for the agent to come into the bar. Agent entered the bar and said hello to [redacted]. Also observed in the bar at this time were [redacted] who had entered from the lobby. and [redacted] another [redacted] was at the bar next to [redacted] and agent said hello to [redacted].

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[redacted] complained to the agent that she had been directed not to talk about her testimony, but she had observed numerous defense witnesses, including [redacted] and [redacted] along with the [redacted], jointly discussing their testimonies. When she complained to [redacted], he stated [redacted] also stated that [redacted] had [redacted] was asked to step out into the hotel lobby to continue the conversation. There, she further advised that during the evening, she had observed [redacted] She advised that [redacted] saw them [redacted]

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[redacted] then called [redacted] out of the bar into the lobby and asked her to vouch for this. [redacted] stated that she had not seen anything because she had been to the bathroom. [redacted] and [redacted] were then asked the identity of the Negro female and if she had any connection with the Rainieri case. Neither knew. They were thanked and both re-entered the bar.

Agent then inquired of the hotel desk clerk the identity of the occupant of Room [redacted], in order to establish from agent's knowledge if she had any relationship to the case. The desk clerk advised that the occupant of this room was a [redacted] [redacted] Colorado, who had arrived on [redacted] via Greyhound, receiving a special Greyhound room discount. The clerk stated that [redacted] was a black female who earlier in the evening had been at the bar and was quite loud.

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Agent then departed and retired alone.

Later that night, agent was awoken by the telephone, the caller identifying herself as [REDACTED] stated that after her conversation with the agent in the lobby, [REDACTED] [REDACTED] had told [REDACTED] of the conversation and [REDACTED] told her [REDACTED] "for talking to the agent. [REDACTED] stated that she is definitely [REDACTED] in view of [REDACTED] having witnessed [REDACTED], on one occasion, [REDACTED] a dancer at the Show Bar in Hurley, and on another occasion attempting to [REDACTED], another Show Bar dancer. [REDACTED] stated that she was spending the night in the room of [REDACTED] who was in Madison with her.

On the next morning (December 9, 1980) just before entering the court room, SA [REDACTED] was called aside by [REDACTED] [REDACTED] stated he thought the agent ought to know that [REDACTED]

Agent replied to [REDACTED] that no such thing had occurred.

[REDACTED] then replied that he just thought the agent should know, as he "certainly doesn't intend to use it" in court.

Agent then repeated that as nothing of the kind had happened, there appeared to be no problem.

U. S. Attorney Frank Tuerkheimer, who had earlier been advised of the prior night's incident, was then advised of [REDACTED] remarks, and the agent's theory that this was an attempt to keep the government from eliciting in cross-examination of [REDACTED] the prior night's threat by [REDACTED]

Such information was elicited on cross-examination.

Attorney [REDACTED] on redirect, then asked [REDACTED] if she was not in the bar the previous night with SA [REDACTED] having his arm around her, to which she replied [REDACTED]

The government on re-cross then asked [REDACTED] if she had had a drink at the bar with SA [REDACTED], to which she also

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replied [redacted]"

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Later in the day, several references were made by both [redacted] to the above situation.

Subpoenaes were furnished by the U. S. Attorney to
both [redacted] also known as [redacted],
relating to the incident, but both were directed that they could leave without further delay.

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FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 12/16/80

An individual identifying herself as [redacted], Wisconsin, telephonically furnished the following information to SA [redacted] at the Office of the United States Attorney, Madison, Wisconsin.

She was present at the bar of the Inn on the Park hotel, downtown Madison, Wisconsin, on the previous evening, when she observed and overheard a situation she wished to bring to someone's attention. [redacted] who, from their conversation, were apparently [redacted] Federal trial, were present in the bar along with a number of witnesses in that trial. One of the [redacted] was present with [redacted]; the other was more slender, with reddish hair and mustache, and appeared younger. This younger [redacted] was overheard in a conversation with a [redacted] [redacted] this woman apparently having no knowledge of or connection with the case on trial. The [redacted] was telling the woman that his client, on trial for a [redacted] related offense, was in truth involved in operating a particular bar in question [redacted]. The [redacted] stated that he has a number of [redacted] present to lie in court in an attempt to get the client acquitted.

After the conversation with the [redacted], the [redacted]. " This was also known to an employee of the Best Western (Inn on the Park) hotel. The [redacted] has since told [redacted] that she was [redacted] by the [redacted] statements and behavior. [redacted] stated that she believed that the girl would be forthright in discussing this matter with an FBI agent. She stated that she [redacted] the Inn on the Park, thus being present when the above occurred.

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Investigation on 12/9/80 at Madison, Wisconsin File # 194 B-35-539
 by SA [redacted] Date dictated 12/14/80

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b7C

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 12/16/80

Date of birth [REDACTED], also known as [REDACTED]
[REDACTED] Minnesota (care of [REDACTED]),
[REDACTED] voluntarily appeared at the office of the
United States Attorney for the Western District of Wisconsin
where she furnished the following information to SA [REDACTED]
[REDACTED] who had previously identified himself to her as being
a Special Agent of the Federal Bureau of Investigation, and
to U. S. Attorney Frank M. Tuerkheimer:

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graph TD; Root[ ] --- N1[ ]; Root --- N2[ ]; N1 --- N3[ ]; N1 --- N4[ ]; N2 --- N5[ ]; N2 --- N6[ ]; N3 --- N7[ ]; N3 --- N8[ ]; N3 --- N9[ ]; N3 --- N10[ ];
```

Sometime thereafter, she left the bar alone and

Investigation on 12/9/80 at Madison, Wisconsin File # 194 B-35-540
SA [redacted] b6
[redacted] b7
by _____ Date dictated 12/14/80

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

[redacted]

[redacted]
[redacted]
[redacted]

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

[redacted] was served by an employee of the U. S. Attorney's Office with a U. S. District Court subpoena in the name [redacted] relating to this matter. She was advised by U. S. Attorney Tuerkheimer [redacted]

[redacted]
She left the U. S. Attorney's Office.

Shortly afterward, [redacted] telephonically contacted SA [redacted] and advised that as she was attempting to leave the Federal Building, she was followed by the same [redacted]

[redacted]
[redacted]
[redacted] advised that she was leaving town immediately and could be contacted through [redacted] at the above address.

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b6
b7C

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 1/14/81

[redacted], Wisconsin,
advised as follows:

During the trial of Alex J. Raineri in December, 1980, just after the completion of the government's case and before the beginning of the defense case, Raineri's [redacted] came to [redacted] door late [redacted]. A friend of [redacted] was present and answered a knock at the door. [redacted] apparently thought [redacted] was [redacted] because he began talking to [redacted] saying that [redacted] had to help him in the Raineri case. [redacted] then talked to [redacted] who said something to the effect [redacted]
[redacted]
[redacted].

[redacted] and [redacted] told [redacted]
[redacted] left.

About ten minutes later, the telephone rang and the caller stated he was [redacted] talking from the Holiday Inn, Hurley. [redacted] asked for [redacted] He then said [redacted]

[redacted] stated to [redacted]
[redacted]
[redacted] stated he did not want to do that. He said [redacted]
[redacted]

[redacted] told [redacted]

The next day [redacted], working for [redacted] on the Raineri defense, appeared at [redacted] door, along with Officer [redacted] of the Hurley Police Department, and [redacted] served [redacted] with a trial subpoena.

Investigation on 1/7/81 at Hurley, Wisconsin File # 194 B-35-541

by SA [redacted] Date dictated 1/9/81

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FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 1/14/81

Wisconsin, advised as follows:

Since the trial of Alex J. Raineri in Madison, Wisconsin, during November-December, 1980, she has received a telephone call from Raineri's [redacted]. This call was received a couple of days after New Years, 1981, at around 10:00 PM. [redacted] asked her to talk to [redacted], and [redacted]. " He stated [redacted]. This last statement referred to pending state charges against [redacted].

Mrs. [redacted] told [redacted] that it was up to [redacted] who he did or did not talk to.

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Investigation on 1/7/81 at Hurley, Wisconsin File # 194 B-35-542
by SA [redacted] Date dictated 1/9/81

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MI 194B-35

On 11/17/81, [redacted] advised the writer that the Ironwood Daily Globe carried front page headlines on this date regarding [redacted] resigning under threat of prosecution, quoting Paul Sturgul who had apparently released this information. The news article mentioned the FBI and the U. S. Attorney's Office.

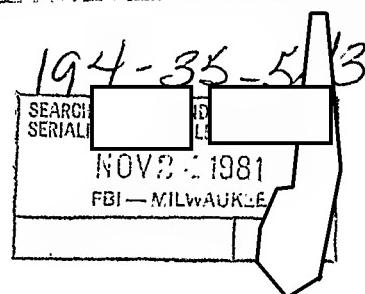
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This article will be obtained and placed in file.

Above being made a matter of record to reflect the FBI's minimal involvement in this incident.

Sirhan. (AP-Jasperphoto)

on its way to record peaks, to 15 percent by the end of



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Indicate page, name of newspaper, city and state.)

Date: 11/17/81
 Edition: Daily Globe
 Title: Ironwood, Mich.

Character: 194B-35
 or

Faced with charge,

Hurley police officer resigns

Daily Globe Staff

Faced with a choice of resigning or being tried on criminal charges stemming from his testimony at the trial of former Iron County Circuit Judge Alex Raineri, a Hurley police officer chose to leave the department Monday.

Kenneth Colassaco notified the Hurley Law Enforcement Commission he was leaving the department.

The resignation follows a meeting between Colassaco and Iron County District Attorney Paul Sturgul held Friday, Nov. 6. Sturgul said he told Colassaco at that time charges would be filed if Colassaco did not resign. Sturgul said Colassaco indicated Monday, Nov. 9, he would resign.

Sturgul said he began considering charges against Colassaco following Colassaco's testimony in the Raineri trial Thursday, Dec. 4, 1980. Raineri was convicted on prostitution-related charges dealing with his association with the Show Bar in

Hurley.

Colassaco testified that after he talked with Raineri, he (Colassaco) threatened his sister, Patricia Colassaco, to "keep her mouth shut" and stop "telling lies" to a federal grand jury investigating Raineri.

The police officer said Raineri asked him to talk to his sister after learning she had talked to FBI agents about Raineri. Colassaco said he told his sister "to keep her mouth shut and if she didn't want to listen to me, somebody else could talk to her." When asked by Raineri's attorney, "Ken, you didn't threaten her, did you," Colassaco replied, "I guess I did."

Sturgul said he waited almost a year to confront Colassaco because he needed official transcripts of the trial. He said he did not receive the transcripts until last month.

Sturgul denied he was pressured by council members or other members in the community to prosecute Colassaco.

The district attorney said he

decided to ask for Colassaco's resignation because he felt it might be difficult to successfully prosecute Colassaco because the state's main witness would be Colassaco's sister.

Sturgul said, however, if



Colassaco would have refused to resign, he would have initiated criminal proceedings.

The district attorney said he discussed the matter with the FBI and the U.S. Attorney's office and both agencies agreed with Sturgul's handling of the matter.

Colassaco's resignation creates a second opening in the Hurley Police Department. Commission members

Resigns

Hurley police officer Ken Colassaco has resigned. (Globe file photo)

The commission agreed to notify the applicants they will be required to take a qualifying civil service examination in Ashland Dec. 12 and the city will pay the \$8 test fees. In addition to the examinations, police officers must also participate in an eight-week schooling session for law officers.

Police Chief Ted Ersperer told the commission he would like to hire two more people but wouldn't be able to do so with the current budget.

If the new budget follows budgets set in previous years, Ersperer said he would not be able to live with it if the department had to hire two more officers.

Ersperer told commission members the police department budget totaled \$83,000 this year and the department has used \$77,000, leaving about \$6,000 for the rest of the year.

Commission members discussed possible money saving measures and requested Ersperer to prepare a budget for discussion prior to the

Hurley City Council's budget hearings.

In other monetary matters, commissioners agreed to meet with the county concerning payment for dispatching services through the Iron County Sheriff Department. The city has not paid the \$100 per month fee since July.

Commission chairman Eugene Calvetti said he wanted to clear up some "street talk and misconceptions" about the commission's role, saying the commission was created with the intent of being free from political pressure.

Even though the Chamber of Commerce, the police department and the council picked the members of the commission, Calvetti said the members were not representing the individual groups but the entire population of the city in a non-partisan way.

The next meeting of the Hurley Law Enforcement Commission will be Dec. 1 at 7:30 p.m. at the city hall.

Monday reviewed seven new applications for the positions as well as several other applications previously filed with the department.

(Indicate page, name of newspaper, city and state.)

Date: 11/17/81

Edition:

Title:

Character:

or

Classification:

Submitting Office: 194B-35

Our 62nd Year - No. 305

IRONWOOD, MICHIGAN

TUESDAY NOVEMBER 17, 1981

THIRTY-FOUR PAGES THREE SECTIONS

SINGLE COPY 25 CENTS

Faced with charge, Hurley police officer resigns

Daily Globe Staff

Faced with a choice of resigning or being tried on criminal charges stemming from his testimony at the trial of former Iron County Circuit Judge Alex Raineri, a Hurley police officer chose to leave the department Monday.

With Colassaco notified, the Law Enforcement Commission he was leaving the department

resignation follows a meeting between Colassaco and Iron County Act Attorney Paul Sturgul held

Nov. 6. Sturgul said he told Colassaco at that time charges

would not be filed if Colassaco did not

resign. Sturgul said Colassaco indicated Monday, Nov. 6, he would

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Colassaco's testimony in the Raineri

trial Thursday, Dec. 4, 1980. Raineri

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related charges dealing with his

association with the Show Bar in

Hurley.

The district attorney said he

had been asked by

Colassaco's attorney, Ken

Colassaco, to keep his

mouth shut after he

testified in the trial.

Raineri's attorney, Ken

Colassaco, had threatened

Colassaco with

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lative page, name of
newspaper, city and state.)

(Mount Clipping in Space Below)

STEMS FROM RAINERI TRIAL.

**IRON COUNTY,
MINER 11-17-81**

Colassaco forced to resign

Mayor is 'miffed'

Confirmation that officer Kenneth Colassaco had resigned from the Hurley police department was made on Monday night at a meeting of the newly-revived police commission. It had been rumored that the FBI had ordered District Attorney Paul Sturgul to secure the police officer's resignation or to prosecute him for charges stemming from testimony given in the trial of former Iron Co. Circuit Judge Alex Raineri. At the meeting, Eugene Calvetti, chairman of the commission, read a letter from Colassaco in which he said that he was resigning from the police force. At the request of Calvetti, Sturgul gave an explanation of what he said led to the decision of Colassaco to terminate his employment with the Hurley police department after four years on the force.

The immediate developments that led to the resignation started on Friday, Nov. 6, when Officer Colassaco was called into District Attorney Sturgul's office and was told that charges would be filed against him if he did not resign from his job. Sturgul has said that the Hurley police officer told him that he would leave the job at a later meeting on Nov. 9. It is known that Colassaco consulted with an attorney, Gene Linehan, concerning what he should do. Linehan, who was an attorney for Raineri during the trial, witnessed the resignation that was read by Calvetti.

In the Raineri trial, Colassaco gave testimony that he had told his sister, Patricia Colassaco, to "keep your mouth shut" and "stop telling lies" with regard to her statements to the FBI and in subsequent testimony in the trial. The Hurley police officer told the federal court that Raineri had asked him to tell his sister to stop telling lies, or he would "get someone else to talk to her." Raineri was charged with threatening a witness in the charges that were brought against him in his relationships with the Show Bar. He was found guilty on all five charges and is now free on an appeal.

The circumstances that led to demand for Colassaco's resignation are not clear. Sturgul said that he took the action with the cooperation, knowledge, approval, and commendation of the FBI and the office of the U.S. District Attorney. However, it is known that the feds had more than an observer interest in the matter and may have in fact demanded action.

District Attorney Sturgul, in his statement at the police commission meeting, said that he had maintained an interest in the Raineri case and before acting in

the Colassaco matter, waited until he received a transcript of the trial on Oct. 16. After reviewing the evidence, and checking out that there had been no immunity given, he determined that it might be difficult to prosecute the case, since a principal witness would be the sister of the defendant. With the approval of the FBI, he decided to ask for a resignation as an alternative to certain prosecution. The D.A. said he was determined that Colassaco should not remain on the force.

Date: 11-17-81

Edition: IRON CO. MINER
HURLEY, W.

Title:

Character:

or

Classification:

Submitting Office: 194B-35

Related to the Colassaco resignation at the Monday night meeting; Chairman Calvetti said that he wanted to set at rest any claims that members of the council, or any other city government official, or the commission had anything to do with "pressuring" Sturgul. The decision to accept the Colassaco resignation was unanimous with Calvetti, Russ Lundgren, and Steve Baima voting.

Also related to the matter, Mayor Bill Dary, who was told of the Monday night events when he came into the city hall on Tuesday morning, exclaimed that he was "flabbergasted." Told that it had been on the radio, he flew into a rage. The mayor described himself as "damn mad" that the commission and Sturgul had "gone public with this thing." Dary said that "no one has had the courtesy to tell me what is going on," and added that he learned of the impending resignation from Colassaco himself. He added that he had advised the council of it in executive session. Dary exclaimed that "this is a personnel matter, and the commission should have gone into a closed session on the resignation stuff."

Colassaco was named by Mayor Dary. Last fall, he was a Democrat candidate for sheriff.

At the Monday night meeting, the commission conducted some business and carried on a discussion about the police force, some of it related to the vacancy caused by the resignation of Officer Colassaco.

Memorandum



To : SAC (194B-35) (C)

Date 11/18/81

From : SA [redacted]

Subject : ALEX J. RAINERI,
Circuit Judge,
Hurley, Wisconsin
HOBBS ACT - OC; ITAR-Prostitution; Perjury; OOJ
OO: MILWAUKEE

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On 11/3/81, the writer paid a courtesy call upon Paul Sturgul, Iron County District Attorney/City Attorney, Hurley, Wisconsin. Sturgul who had closely followed the Raineri matter, advised that he had just received requested portions of the transcript of the trial involving the transmittal of a threat from Raineri to Government Witness [redacted] via Hurley Police Officer [redacted].

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Sturgul stated his intent to charge [redacted] with either Obstruction of Justice (a felony) or Official Misconduct (a misdemeanor) for the purpose of obtaining his removal from the Police Department. These options and the possibility of allowing [redacted] to quietly resign from the Department were discussed. Sturgul stated that he would be making his decision by the end of the week.

On 11/6/81, a call was received from [redacted] who was upset that [redacted] had been called to Sturgul's office and given the option of resigning or forcing prosecution. She advised that [redacted] had retained [redacted].

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On 11/9/81, Paul Sturgul, Iron County District Attorney, advised that he had received notification from [redacted] that [redacted] would be submitting his resignation by the end of this week. Sturgul advised that [redacted] had called USA John Byrnes who had then called Sturgul and discussed this matter with him. Sturgul stated that Byrnes had backed his efforts and indicated "If he [redacted] wants to stick it out and fight prosecution, we (the U. S. Government) will prosecute him too." Sturgul had relayed this to [redacted].

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[redacted]
(1)

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194-35-K44

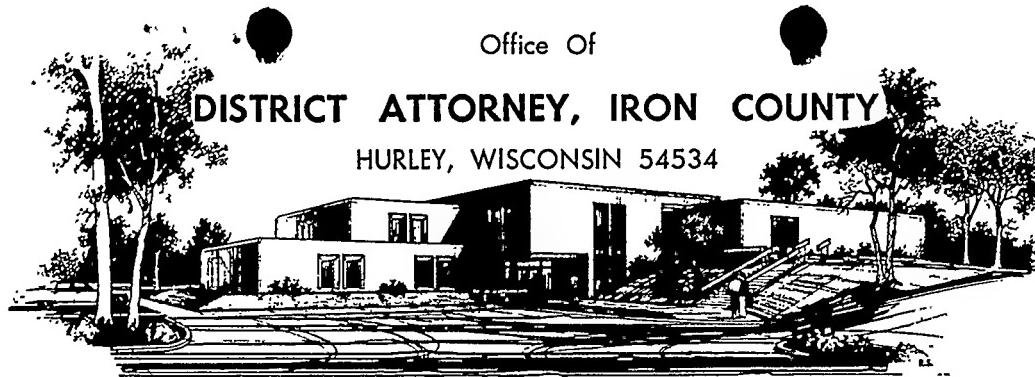
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FBI-MILWAUKEE		

FBI/DOJ

Office Of
DISTRICT ATTORNEY, IRON COUNTY

Paul A. Sturgul
District Attorney

HURLEY, WISCONSIN 54534



Address: 310 Silver Street
Hurley, Wisconsin 54534
Phone: 715-561-2141

November 23, 1981

Mr. [redacted]
Federal Bureau of Investigation
Post Office Box 185
Wausau, Wisconsin 54401

b6
b7C

Re: [redacted]

Dear [redacted]

Enclosed are newspaper clippings from the November 17, 1981 edition of the Ironwood Daily Globe and the November 19, 1981 edition of the Iron County Miner regarding the above entitled matter. I thought these articles would be of interest to you.

Very truly yours,

Paul S.

Paul A. Sturgul
District Attorney

PAS/[redacted]

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Enclosures

SAC
DAP
9/13/85
[handwritten sketch of an envelope]

44-18-35-545

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12/4/81

Colassaco back on Hurley PD

By RALPH ANSAM
and
STAN MILAM

Daily Globe Staff

The Hurley Police Commission Friday agreed to allow police officer Ken Colassaco to withdraw his Nov. 16 resignation from the department.

Russ Lundgren, secretary of the three-man commission, said the

vote to accept Colassaco's request to stay with the department passed unanimously.

The commission met in closed session. The request from Colassaco to rescind the resignation was the major item of business, Lundgren said.

Lundgren said the commission was not satisfied with the circumstances that led to the resignation.

Colassaco resigned when faced with criminal charges stemming from his testimony in a trial.

Iron County District Attorney Paul Sturgul said he plans to prosecute Colassaco now that he has withdrawn the resignation.

Sturgul said, "Good government mandates that you cannot have officers on the police department who threaten witnesses. This will keep coming up time after time

when he (Colassaco) is called to testify as a witness in a trial. If he gets back on the force, I will prosecute him."

Sturgul said he began considering charges against Colassaco when the police officer testified Dec. 4, 1980 at the trial of former Iron County Judge Alex Raineri.

At that trial, Colassaco testified he threatened his sister after Raineri told him his sister had talked to federal investigators.

Raineri was convicted on federal prostitution related charges.

Sturgul said he waited almost a year to confront Colassaco because he was waiting for transcripts of the Raineri trial.

Sturgul said the transcripts did not arrive until October of this year. After reviewing them, Sturgul said he told Colassaco on Nov. 13 he would be prosecuted if Colassaco did not resign.

Colassaco informed the commission Nov. 16 he was resigning, however, he came back to the commission on Nov. 30 with his attorney and informed the commission he wanted to rescind the resignation.

The meeting Friday was called to consider Colassaco's request to rescind his resignation.

Lundgren said the commission also discussed police examinations which are to be given Saturday, Dec. 12, at 8:30 a.m. in room 110 of the Wisconsin Indianhead Vocational Institute in Ashland at 2100 S. Beaser St.

It marked the second time this year a Hurley city servant resigned and the resignation was then rescinded. Councilman William Chartier resigned this summer, but Mayor William Dary did not accept the resignation.

(Mount Clipping in Space Below)

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Indicate page, name of newspaper, city and state.)

Date:
Edition:

12/4/81
Daily Globe
Superior, WI

Title:

Character:
or
Classification:
Submitting Office:

194B-35

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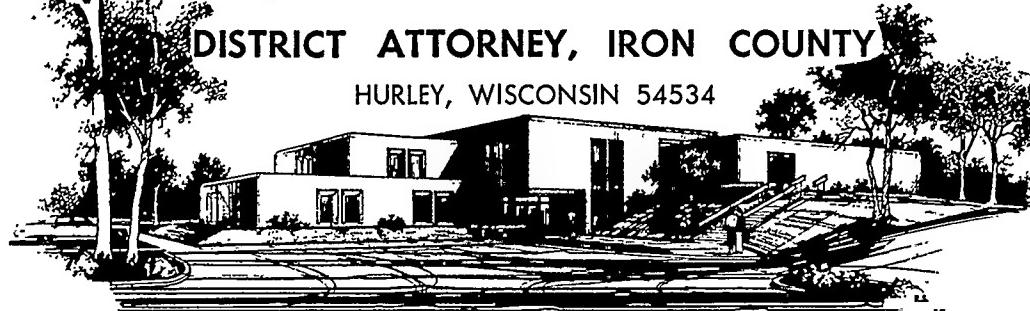
Spec

Office Of

DISTRICT ATTORNEY, IRON COUNTY

HURLEY, WISCONSIN 54534

Paul A. Sturgul
District Attorney



Address: 310 Silver Street
Hurley, Wisconsin 54534
Phone: 715-561-2141

December 11, 1981

Re: State vs. [redacted]

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b7C

Mr. [redacted]
Federal Bureau of Investigation
Post Office, Box 185
Wausau, WI 54401

Dear [redacted]

Enclosed is a photocopy of the criminal complaint regarding the above entitled matter.

Very truly yours,

Paul A. Sturgul
Paul A. Sturgul
District Attorney

PAS: [redacted]

Enclosure

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194B-35-547

SEARCHED	INDEXED
SERIALIZED	[redacted]
DEC 11 1981	
FBI - MILWAUKEE	
[redacted]	

State of Wisconsin, CIRCUIT Court, IRON County

STATE OF WISCONSIN,

Plaintiff,

CRIMINAL COMPLAINT AND SUMMONS
ISSUED BY DISTRICT ATTORNEY

vs.

File No. _____

WT

Address

Defendant.

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Robert Rowe, on information and belief _____, being first duly sworn, on oath says that

xx on March 19th or 20th, 1980, at Hurley, Wisconsin, in said County, the defendant did:

feloniously and verbally, maliciously threaten to commit injury to [redacted] with intent thereby to compel [redacted] the person so threatened, to do an act against her will, namely to influence her talking with the Federal Bureau of Investigation and the United States Grand Jury investigating the involvement of Alex J. Raineri in the Show Bar at Hurley, Wisconsin.

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PENALTY: A fine not to exceed \$10,000.00 or imprisonment not to exceed five (5) years or by both such fine and imprisonment.

(Class D Felony).

contrary to Section 943.30(1), Wis. Stats., and prays that said defendant be dealt with according to law; and that the basis for the complainant's charge of such offense is:

Your complainant is the Iron County Sheriff. Your complainant has received information from reading the transcript of the trial of United States vs. Alex J. Raineri which occurred in Federal Court in 1980 in the Western District of Wisconsin, that on March 19th or 20th, 1980, the defendant was at the Iron County courthouse in Hurley when he was called aside by Iron County Circuit Judge Alex Raineri. At that time, the defendant and Judge Raineri engaged in conversation in Judge Raineri's chambers in which Judge Raineri discussed the FBI's investigation of Raineri and the fact that the [redacted]

[redacted] had been in Madison "doing some talking, telling some lies about him (Raineri) down here (in Madison)". Transcript of Trial United States vs. Raineri, page 828. Raineri then asked the defendant to talk to [redacted] and "see if she would quit telling those lies and if she didn't want to listen to [redacted] (Raineri) could get somebody [redacted] Subscribed and sworn to before me on [redacted]" (OVER)

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12/11/81

Robert E. Raine
Complainant

Paul O. Stangl
District Attorney

Approved for filing *Paul O. Stangl*
District Attorney

SUMMONS

THE STATE OF WISCONSIN TO SAID DEFENDANT:

The original of the above Complaint having been issued, accusing the defendant of committing the crime of threatening a witness _____, contrary to Section 943.30(1).

You are, therefore, summoned to appear before the Circuit Court of Iron County at the Courthouse in the City of Hurley, to answer said Complaint, on Monday, December 14, 1981 at 9:45 a.m., and in case of your failure to appear, a warrant for your arrest may be issued.

Dated 12/11/81

194B-35-

Paul O. Stangl

District Attorney

else to talk to her." Ibid. Raineri further told the [] to "have [] ...keep her mouth shut." Ibid. Following the aforementioned conversation, the defendant contacted [] and told her "to keep her nose out of that business (the Federal Investigation of Raineri), to keep her mouth shut," (and that) "if she didn't want to listen to (the [] then) "somebody else could talk to her." Transcript, Page 829. The [] further admitted, under oath, at the trial of United States vs. Alex J. Raineri, that he threatened [] Transcript, Page 832. [] testified under oath at the same trial of United States vs. Alex J. Raineri, that the [] called her on March 19th or 20th, 1980 and told her that she "should not talk to the FBI any more." Transcript, Page 769. The defendant told [] in that conversation that she should "keep (her) nose out of what was happening" (and that if the "couldn't talk to me and keep me quiet" that there were other people that would." Ibid. [] further testified that she believed the [] statement to her to be a threat []. Ibid. She further testified that she was afraid. Following the [] conversation with [] [] contacted Agent [] of the Federal Bureau of Investigation and told Agent [] about the [] conversation with her. Agent [] then related the substance of the foregoing statements of the [] and [] to U.S. Attorney Frank Tuerkheimer in Madison, who subpoenaed the [] appear at the Federal Grand Jury investigating Alex J. Raineri. In part as a result of the [] testimony at the aforementioned Grand Jury, Alex J. Raineri was indicted on the federal charge of obstructing justice. As a result of further testimony of the [] and [] at the Federal Trial of Alex J. Raineri, Alex J. Raineri was convicted of obstructing justice.

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AFFIDAVIT

STATE OF WISCONSIN) ss
COUNTY OF IRON)

Robert Rowe, on information and belief, bring first duly sworn on oath, deposes and says:

1. That he is the Iron County Sheriff and complainant in the foregoing action.

2. That this complaint is based on information and belief of Robert Rowe who has received this information from reading the transcript of the Federal Trial of Alex J. Raineri which occurred in Federal Court in Madison, Wisconsin in 1980 pertaining to the testimony of [] and [] [] which he believes to be trustworthy and worthy of belief and from information he has received from Agent [], Agent of the Federal Bureau of Investigation whom he believes to be trustworthy and worthy of belief as a federal law enforcement agent.

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3. That this Affidavit is made in support of the Complaint.

Dated this 11th day of December, 1981.

R. E. Rowe

Subscribed and sworn to before me
this 11th day of December, 1981.

Notary Public

State of Wisconsin

PAUL A. STURGEY

Notary Public, Iron County, Wisconsin
My Commission is permanent.

RECORD OF INFORMATION FURNISHED OTHER AGENCIES

Orally 12/11/81 date By Telephone _____ date Written Communication _____ date

Information concerning: [redacted] [redacted]

THREAT

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Information furnished from File, Serial, and Page Number:

194 B-35- 259 pp 337-342
388-410
633
718-729

Information furnished was obtained:

- during course of Bureau investigation
- from informants
- from complainants or other sources

Information furnished to: PAUL STURGUL, Iron C DA, Hurley, Wl.

Number of items disseminated: _____

Remarks:

Copies of above pages furnished to DA

Special Agent
1-194B-35
1-66-911

194-35-548
SEARCHED INDEXED SERIALIZED FILED
FBI - MEMPHIS

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b7c

(Indicate page, name of newspaper, city and state.)

Dary's request to

fire Sturgul tabled

By RALPH ANSAM
Daily Globe Staff

Hurley Mayor William Dary's request that city attorney Paul Sturgul be fired drew no action from

194-35-2588 846



WILLIAM DARY

weeks."

Sturgul responded to Dary's prepared statement with a prepared statement of his own.

He said Dary's "rude and insulting remarks" were "an insult ... to the people of Hurley." He said he did not bring the issue to the attention of the press. "The press came to me regarding this matter," Sturgul said.

Sturgul said when he became district attorney of the county, he took an oath to enforce the laws of the land. "In the Colassaco matter, my duty is clear. Mr. Colassaco testified under oath on two separate occasions, once before the federal grand jury and then in U.S. Federal Court in Madison, that he threatened a witness."

Sturgul said he considers such conduct a crime and said Raineri was convicted of obstructing justice "by having Mr. Colassaco threaten a witness."

The district attorney said he has nothing against Colassaco and added he gave the off

the city council Tuesday night.

In a strongly-worded statement, Dary criticized Sturgul for his handling of the Ken Colassaco matter.

Sturgul, who is the Iron County district attorney, said he will charge Colassaco with threatening a witness concerning testimony the officer gave in the December, 1980, trial of former Iron County Judge Alex Raineri, who was convicted on prostitution-related charges.

"It is not so much what Mr. Sturgul has done that I am against, but indeed the abominable way in which he has gone about it," Dary said, referring to the Colassaco matter.

"Several times in the past Mr. Sturgul has advised the council to go into executive session when discussing matters of discipline or litigation and yet, while having ample opportunity, he did not advise the police commission to act accordingly," Dary said.

The police commission accepted Colassaco's resignation after Sturgul told the police officer he could resign or face charges concerning his testimony in the Raineri

government mandates that police officers who threaten witnesses cannot remain on the police force," he said.

"It is unfortunate that Mr. Dary has reacted to the Colassaco matter in this manner. If he is not interfering with the administration of justice, he is certainly not cooperating with it and not facilitating its administration," Sturgul said.

The district attorney said he is "gratified" by the assistance he has received from the Federal Bureau of Investigation, the U.S. Attorney's Office and the Department of Justice.

"But most of all, I am heartened by the overwhelming and widespread support I have been receiving in my own community. The support of the people of Hurley to this office gives the lie to those who would say that the people of Hurley do not care about good government."

Following Sturgul's statement, the council agreed to table Dary's request. In making the motion to table the matter, council member Marial Bino requested council members poll the community to

trial. Colassaco later withdrew his resignation and the police commission reinstated him on the department.

Dary said Sturgul harmed the area by creating adverse publicity that could hurt the tourist industry.

"I, as a parent, would be very much against visiting an area where there has been so much adverse notoriety. What must those people from Milwaukee and Chicago and other places think when they pick up their paper and read all the scandalous things about Hurley?" Dary questioned.

The mayor also criticized Sturgul for not informing the council of Dary about his intentions in the matter. "I cannot help but feel that this was nothing more than a ploy on his part to gain notoriety — to what avail we now know."

Dary claimed members of the council had requested Sturgul be fired in the past. "But due to the circumstances at the time, I advised against it as we were in the middle of litigation. However, I now feel that I gave you the wrong advice, especially in the light of what has transpired in the last couple of

how they feel about the city attorney position.

Earlier, council member William Chartier suggested the council consider making the city attorney position elective.



PAUL STURGUL

Date: 12/3/81
Edition: Daily Globe
Title: Ironwood, Mich.

Character:

Classification: 194B-35
Submitting Office:

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FBI - MILWAUKEE

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Date:

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Title:

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or

Classification:

Submitting Office: 194B-35

IRONWOOD D

Our 63rd Year — No. 20

IRONWOOD, MICHIGAN

SATURDAY, DECEMBER 12, 1981

Colassaco to be charged

By RALPH ANSAM
Daily Globe Staff

Hurley police officer Kenneth Colassaco is scheduled to appear in Iron County Circuit Court Monday morning at 9:30 a.m. on a felony charge of threatening a witness.

Colassaco will be charged in connection with testimony he gave in the December, 1980 trial of former Iron County Judge Alex Rainieri, who was convicted on prostitution-related charges relating to his association with the Show Bar in Hurley.

The police officer testified Dec. 4, 1980, that he told his sister, Patricia Colassaco, to "keep her mouth shut" and stop "telling lies" to a federal grand jury investigating Rainieri.

Colassaco said Rainieri asked him to talk to his sister after learning she had talked to FBI agents about Rainieri. Colassaco said he told his

sister "to keep her mouth shut and if she didn't want to listen to me, somebody else could talk to her." When asked by Rainieri's attorney, "Ken, you didn't threaten her, did you," Colassaco replied, "I guess I did."

Iron County District Attorney Paul Sturgul said he waited almost a year to confront Colassaco because he needed official transcripts of the Rainieri trial. He did not receive the transcripts until last month.

Sturgul met with Colassaco Nov. 6. The district attorney told Colassaco at that time the charge would be filed if Colassaco did not resign from the police department.

Colassaco indicated on Nov. 9 he would resign. The police commission accepted the resignation but last week agreed to allow Colassaco to withdraw the resignation. Colassaco has been back on the police department for about a week.

194-35-550

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FBI - MILWAUKEE	

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11.80 194-35-258 Pg. 409
pg. 718

ALEX RAINERI
CIRCUIT JUDGE
HURLEY, WISC.

[REDACTED] 9-80 [REDACTED]

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[REDACTED] Wisconsin [REDACTED]

[REDACTED] 11/81 [REDACTED]

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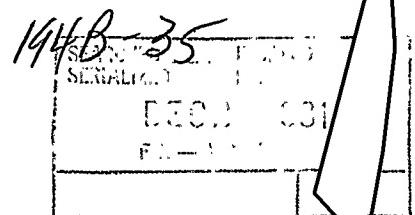
[REDACTED]

Statement of DA Sturgul

- 1 -

First, in regard to the press, I did not bring the Colassaco matter to their attention. There was already widespread publicity concerning Mr. Colassaco's involvement in the Raineri trial last year. Moreover, Mr. Colassaco himself told a number of individuals in the Hurley community about our conversation and from there news of the matter spread throughout the community and to the press. The press came to me regarding this matter. When they did, they already knew the circumstances surrounding his resignation. Under those circumstances I felt it was my responsibility as a public official as District Attorney of this county to discuss this matter with the press. I firmly believe that the public has a right to know about matters such as this.

Ordinarily I would not dignify Mr. Dary's rude and insulting remarks with a response, but his comments are an insult not to me personally, but to the people of the City of Hurley, and I feel I must respond to them. Mr. Dary and I are both elected officials. He is the Mayor of Hurley and I am the Iron County District Attorney. When I became District Attorney of this county, I took an oath of office to enforce the laws of this land. I realize that when enforcing these laws, one cannot please everybody. That, however, is not the issue here. In the Colassaco matter, my duty is clear. Mr. Colassaco, a police officer of this city, testified under oath on two separate occasions, once before the Federal Grand Jury and then in U.S. Federal Court in Madison that he threatened a witness. His statements were corroborated by the person he threatened, who also testified under oath. Such conduct by Mr. Colassaco is a crime under both federal and state laws. As a result of this testimony, Mr. Raineri was convicted in federal court of obstructing justice by having Mr. Colassaco threaten a witness.



Now I personally have nothing against Mr. Colassaco. In fact, I gave him a break. I offered him a choice of either resigning or facing felony charges. Mr. Colassaco at first accepted my offer and resigned from the Hurley police force. Then he withdrew his resignation with the cooperation of the Hurley Police Commission. Now I am doing my duty, and with the assistance of the Department of Justice, the Federal Bureau of Investigation and Iron County Sheriff, am preparing charges against Mr. Colassaco. I am doing the job that the people of Iron County elected me to do.

I would add that the Colassaco case is also a matter of good government. Good government mandates that police officers who threaten witnesses cannot remain on the police force. Otherwise Officer Colassaco will arrest people, obtain confessions from them, only to have them repudiate their confessions and say that their confessions were coerced, that they were threatened by Mr. Colassaco just as he threatened his sister in the well-known Raineri case. The Colassaco matter will keep coming up again and again until it is resolved.

It is unfortunate that Mr. Dary has reacted to the Colassaco matter in this manner. If he is not interfering with the administration of justice, he is certainly not cooperating with it and not facilitating its administration. I am gratified, however, by the assistance I have received from the FBI, the U.S. Attorney's Office, and the Department of Justice. But most of all, I am heartened by the overwhelming and widespread support I have been receiving from my own community. The support of the people of Hurley to this office gives the lie to those who would say that the people of Hurley do not care about good government. On the contrary there are many of us who care deeply about our community and who will, despite all obstacles, encourage and support good government in Hurley.

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Date:

Edition:

Title:

Daily Globe
Ironwood, Mi.

Character:

or

Classification:

Submitting Office:

12/21/81

194B-35

Second count added to Colassaco charges

By RALPH ANSAI
Daily Globe Staff

A second felony count was added today to the criminal complaint against a Hurley police officer.

The initial court appearance of Ken Colassaco on a charge of threatening a witness was again postponed this morning in Iron County Circuit Court after the second count was added to the original complaint.

Iron County Judge John Varda continued the court appearance to Jan. 7 after Colassaco's attorney, Dennis Cossi, was handed a copy of the amended complaint this morning.

One felony count specifically charges Colassaco with threatening Patricia Colassaco, "...to do an act against her will, namely to stop talking with Thomas Burg of the Federal Bureau of Investigation..."

The second count charges

Colassaco threatened Patricia Colassaco "...by attempting to influence Patricia Colassaco's talking with the United States Grand Jury..." Both counts relate to testimony Colassaco gave concerning the involvement of former judge Alex Rainieri in the Show Bar at Hurley. Rainieri was found guilty on prostitution-related charges.

Patricia Colassaco is the police officer's sister.

Colassaco had appeared in court Dec. 14. At that time, acting Judge Lewis Charles postponed the court appearance to today so Cossi could have ample time to review the criminal complaint.

District Attorney Paul Sturgul, who drew up the amended complaint that was signed by Sheriff Robert Rowe, said if the case goes to a jury trial, one of the witnesses he will call is Frank Tuerkheimer, special prosecutor in the Rainieri trial.

Colassaco remains on the police force.

194-35-551

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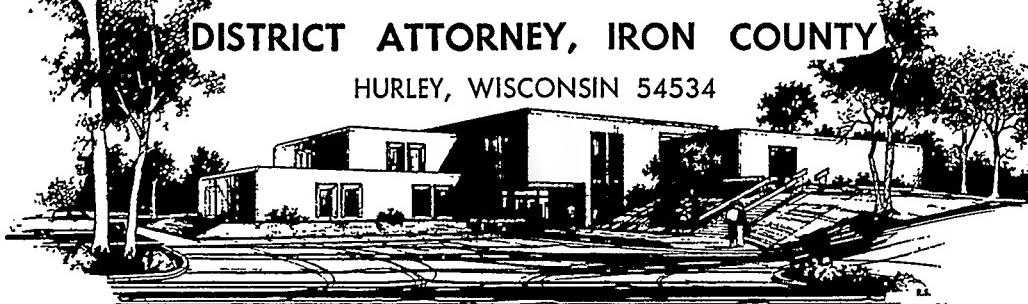
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b7C

Office Of

DISTRICT ATTORNEY, IRON COUNTY

HURLEY, WISCONSIN 54534

Paul A. Sturgul
District Attorney



Address: 310 Silver Street
Hurley, Wisconsin 54534
Phone: 715-561-2141

December 15, 1981

Mr. [redacted]
Federal Bureau of Investigation
Post Office Box 185
Wausau, Wisconsin 54401

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b7C

Dear [redacted]

Enclosed please find a photocopy of an article which appeared in the December 15, 1981 issue of the Ironwood Daily Globe. As you can see from the article, the Hurley Police Commission has decided not to suspend Mr. [redacted]. This comes as a surprise to me since Mr. [redacted] and Mr. [redacted] informed me when Mr. [redacted] wished to withdraw his resignation that there was no way that Mr. [redacted] would remain on the police force after charges were issued. As you can see, the Commission does not take my advice. Meanwhile, the adjourned initial appearance in the matter has been set for Monday, December 21, 1981 at 9:30 a.m. before Judge Varda. Your appearance will not be necessary at this time. At that time, Judge Varda will set the matter for motion and a preliminary hearing.

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I may be in Seattle from December 21st until the 28th and so I will be out of the office for that week.

Very truly yours,

Paul S.

Paul A. Sturgul
District Attorney

PAS/[redacted]

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Enclosure

194B-35-552

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DEC. 15 1981	
FBI - Milwaukee	

Huron Daily Globe
12/15/81 p. 7

Colassaco won't be suspended

Daily Globe Staff

The Hurley Police Commission voted Monday night not to suspend police officer Kenneth Colassaco, who faces a felony charge of threatening a witness.

In a statement issued this morning, the commission said, Colassaco has been charged but has not been convicted and he is innocent until proven guilty.

All three members of the commission voted not to suspend Colassaco.

Colassaco appeared in Iron County Circuit Court in Hurley Monday morning on the felony charge. Acting Judge Lewis Charles continued the court appearance to Monday, Dec. 21, after Colassaco's attorney told the judge he did not have enough time to study the criminal complaint which was issued Friday.

The criminal complaint issued by Iron County Dist. Atty. Paul Sturgul alleges Colassaco threatened Patricia Colassaco, his sister. The complaint stems from testimony Colassaco gave in the December, 1980 trial of former Iron County Judge Alex Rainieri on prostitution-related charges.

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(Indicate page, name of newspaper, city and state.)

A-5**WISCONSIN STATE JOURNAL
MADISON WISC**Date: **2/9/82**
Edition: **METRO**

Title:

Character: **194-35**
or
Classification:
Submitting Office:
MILWAUKEE

Indexing:

Raineri conviction upheld

CHICAGO (AP) — The conviction of a northern Wisconsin judge who was accused of encouraging a tavern to engage in interstate prostitution was upheld Monday by the 7th U.S. Circuit Court of Appeals.

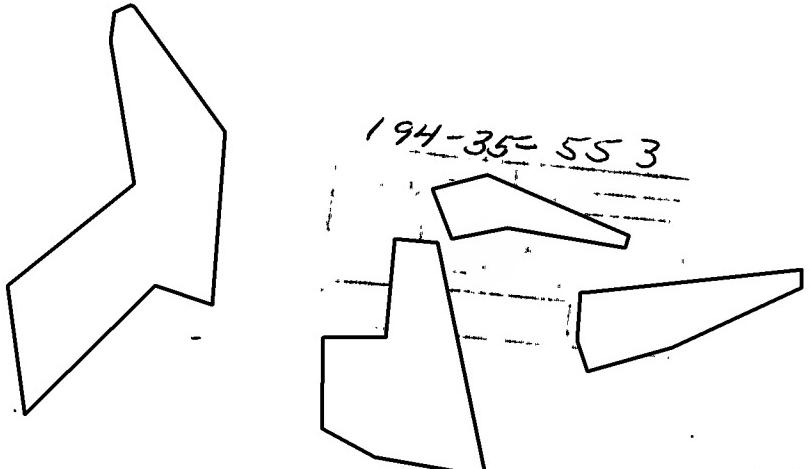
The appellate court said information presented at the U.S. District Court trial of Alex J. Raineri in Madison, Wis., showed that prostitution functioned at the Showbar in Hurley in the 1970s "at his urging."

Raineri, a former Iron County district attorney, was removed as Circuit Court judge after being convicted of perjury before a grand jury which had investigated Hurley's nighttime activities.

He also was convicted of obstructing justice and of promoting prostitu-

tion. Raineri, who is still free on appeal bond, had told the Chicago court that rulings by Judge Barbara J. Crabb denied him a fair trial. The appellate court rejected the argument.

Mrs. Crabb has sentenced him to three years in prison and has fined him \$15,000.



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Routine Slip
0-7 (Rev. 3-6-81)

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2/9/82

(Date)

RE: ALEX J. RAINERI, CIRCUIT JUDGE
HURLEY, WISCONSIN; HOBBS ACT - OC;
ITAR-PROSTITUTION; ITAR-BRIBERY;
PERJURY; OOJ

- Retention For appropriate
- For information optional action Surep, by _____
 - The enclosed is for your information. If used in a future report, conceal all sources, paraphrase contents.
 - Enclosed are corrected pages from report of SA _____ dated _____.

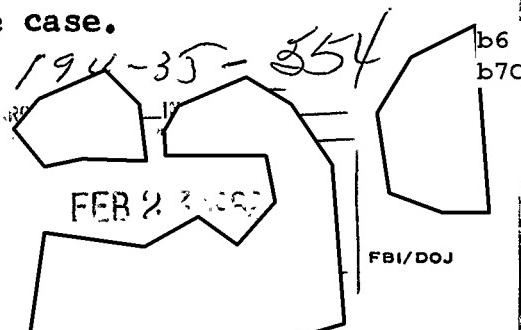
Remarks:

A recent review of cases in the Major Impact Program for Pornography and Prostitution reflect that the investigative status of some cases are inconclusive. Review captioned case and advise FBIHQ of it's pending or closed status. If captioned case is pending, provide a brief synopsis of investigation to date and the prosecutive merits of the case.

Enc.

Bufile 194B-1122

Urfile 194B-35



3/5/82

To: Director

Att.: _____ FILE # _____

SAC _____ Title ALEX J. RAINERI,
 ASAC _____ CIRCUIT JUDGE, HURLEY,
 Supv. _____ WIS.; HA-OC; ITAR-
 Agent _____ PROSTITUTION; ITAR-
 OSM _____ BRIBERY; PERJURY; OOJ
 Rotor# _____ Bufile 194B-1122
 M _____ RE: MT 194B-35
Room _____

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| <input type="checkbox"/> Assign <input type="checkbox"/> Reassign | <input type="checkbox"/> Handle | <input type="checkbox"/> Return file <input type="checkbox"/> serial |
| <input type="checkbox"/> Bring file | <input type="checkbox"/> Initial & return | |
| <input type="checkbox"/> Call me | <input type="checkbox"/> Leads need attention | <input type="checkbox"/> Return with action taken |
| <input type="checkbox"/> Correct | <input type="checkbox"/> Open case | <input type="checkbox"/> Return with explanation |
| <input type="checkbox"/> Deadline _____ | <input type="checkbox"/> Prepare lead cards | <input type="checkbox"/> Search and return |
| <input type="checkbox"/> Delinquent | <input type="checkbox"/> Prepare tickler | <input type="checkbox"/> See me |
| <input type="checkbox"/> Discontinue | <input type="checkbox"/> Recharge file <input type="checkbox"/> serial | <input type="checkbox"/> Type |
| <input type="checkbox"/> Expedite | | |
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Re Bureau R/S dated 2/9/82, attached.

Case closed 3/11/81.

1 - Bureau
1 - Milwaukee (194-35)

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SAC

See reverse side

Office MILWAUKEE =

(Mount Clipping in Space Below)

2/24

Judge Charles dismisses charges against Colassaco

Bulletin

Two felony charges against a Hurley police officer were dismissed this morning in Iron County Circuit Court.

Judge Lewis Charles ruled there was not sufficient evidence to bind Kenneth Colassaco over for trial on charges he threatened his sister, Patricia Colassaco.

The judge said there was no

evidence to show Colassaco threatened personal injury to his sister.

Patricia Colassaco did not testify at the preliminary examination. Iron County District Attorney Paul Sturgul said Ironwood police officers and Gogebic County deputies could not find her to serve subpoena to her.

Thomas Burg, an FBI agent, was the only witness called. He testified

regarding his investigation of the Show Bar in Hurley that resulted in the conviction of former Iron County Judge Alex Raineri on prostitution-related counts.

Fréderick Geissler represented Colassaco. He asked the charges be dismissed on the grounds Colassaco made no physical threat on his sister.

Date: Daily Dale
 Edition:
 Author:
 Editor:
 Title: Ironwood, Mi
 2/24/82

Character:

or

Classification:

Submitting Office:

Being Investigated

194B-35-554

SEARCH				
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MAR 10 1982				

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Absent witness probably had little to do with decision

By RALPH ANSAMI
Daily-Globe Staff

Iron County District Attorney Paul Sturgul said Patricia Colassaco's failure to testify probably had little bearing on Wednesday's preliminary hearing in which charges were dropped against her brother.

Two felony counts of threatening a witness against Hurley police officer Ken Colassaco were dismissed by Judge Lewis Charles in the Iron County Circuit Court hearing.

In agreeing to dismiss the charges on a motion from Defense Attorney Frederick Geissler, Judge Charles ruled there was no evidence Colassaco had threatened to do physical harm to his sister, Patricia, of Ironwood.

Sturgul said Wednesday afternoon he did not know if he would reissue charges. He said would have to study the judge's ruling first. If new evidence becomes available, charges could be reissued.

Patricia Colassaco did not testify because Ironwood police and Gogebic County deputies could not find her to serve her with a subpoena, Sturgul said. She didn't answer her door at home for two days and wasn't at work Monday at the Munsingwear plant in Ironwood, he said.

The district attorney said Patricia Colassaco's testimony would have had little bearing on the matter, because the judge dismissed the counts on an interpretation of Wisconsin statutes.

"I did my job and the judge did his job," Sturgul said, although he did not agree with the judge's decision. Sturgul had argued Patricia Colassaco had been threatened in a phone call. He said he believed the threat was inferred.

Geissler successfully argued Colassaco had not threatened physical harm against his sister and suggested he was merely trying to warn her in a brotherly manner. State statutes require evidence a physical threat has been made, Geissler contended.

Referring to testimony at the trial of former Iron County Judge Alex Rainier, Geissler pointed out Patricia Colassaco had answered

"no" when questioned whether she thought her brother threatened her with physical harm.

But in the criminal complaint, it was noted Patricia Colassaco had contacted Thomas Burg of the FBI and told him of a conversation with her brother in which she was allegedly threatened.

Furthermore, she believed her brother's statement to be a threat "as she (Patricia Colassaco) has an 11-year-old daughter," according to the complaint.

Sturgul based his case on the police officer's testimony at Rainieri's trial and before a Grand Jury.

When asked at the trial if he threatened his sister, Colassaco replied, "I guess I did."

Colassaco testified that on March 19th or 20th of 1980 he was at the Iron County Courthouse in Hurley when he was called aside by Rainieri.

Colassaco and Rainieri talked in the judge's chambers about an investigation being conducted by the FBI, the police officer testified. Colassaco later called his sister and told her "to keep her nose out of that business (the Rainieri investigation), to keep her mouth shut," and "if she didn't want to listen, somebody else could talk to her."

Thomas Burg, the FBI agent who was the only witness at the Wednesday preliminary hearing, said Colassaco had contacted Rainieri to ask him about a subpoena to testify before a Grand Jury in Madison. Colassaco and Rainieri first started talking about a nursing home investigation in Hurley, before getting to other matters.

When Colassaco asked if the investigation on an obstruction of justice charge involved himself, Rainieri said "not to worry about it," Burg testified. Rainieri was later convicted on prostitution-related charges, one count of obstructing justice and of lying to a grand jury.

In other testimony, Burg said Patricia Colassaco had been wired with a recording device by an FBI agent to record another conversation with her brother.

Geissler contended the Hurley police officer did not repeat the alleged threat to his sister when she was wired.



PAUL STURGUL

The counts specifically charged Colassaco with threatening her sister against her will and threatening her by attempting to influence her talking to the United States Grand Jury.

Date: 2/25/82
Edition:
Author: Daily Globe
Editor:
Title: Ironwood, Mi

Character:
or
Classification:
Submitting Office:

Being Investigated

744B-35
SERIAL
FBI - BOSTON
1/10/82

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(Indicate page, name of newspaper, city and state.) **A-7**
MILWAUKEE SENTINEL
MILWAUKEE WISC

Date: **2/9/82**
 Edition: **final**

Title:

Character: **194-35**

or

Classification:

Submitting Office:

MILWAUKEE

Indexing:

Raineri conviction upheld

Chicago, Ill. — The conviction of former Iron County Circuit Judge Alex J. Raineri for promoting prostitution, perjury and obstruction of justice was upheld Monday by a Federal Appeals Court. Raineri was convicted last year by a Federal Court jury in Madison, Wis., sentenced to three years in prison and fined \$15,000.

194-35-555

SEARCHED	INDEXED
SERIALIZED	FILED

FEB 10 1982
 FBI - MILWAUKEE
 ASAC
 FBI / DOJ

(Mount Clipping in Space Below)

Deny Rainieri appeal; 2nd appeal set

**By the Daily Globe Staff
and The Associated Press**

MADISON, Wis. — The attorney for former Iron County Judge Alex Raineri, whose conviction on prostitution-related charges was upheld Monday, said today a further appeal in the case is probable.

Daniel Linehan, Madison, said "We are probably going to appeal further. We will know early next week."

Asked about a possible appeal, Raineri, contacted at his Hurley home today, first said, "I think I have to," but then said he would



ALEX RAINER

We have to see a copy of the opinion before making a decision.

Linehan also said he had not seen a copy of the decision and declined to comment further on the matter.

Raineri's conviction on charges he encouraged a Hurley tavern to engage in interstate prostitution was upheld by the 7th U.S. Circuit Court of Appeals in Chicago.

The appellate court said information presented at the U.S. District Court trial of Raineri in Madison, showed that prostitution went on at the Show Bar in Hurley in the 1970s "at his urging."

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FBI - DC

~~district~~ attorney, was removed as Circuit Court judge after being convicted of perjury before a grand jury which had investigated the ~~operation~~ of the Show Bar.

He also was convicted of obstructing justice and of promoting prostitution.

Raineri was suspended from the bench following indictment in June of 1980 on three counts of promoting prostitution, one count of lying to a federal grand jury and one of obstructing justice.

The convictions resulted from a four-week trial that ended Dec. 17 of 1980.

During the trial, Cira Gasbarri, the owner of the Show Bar which was destroyed by fire in 1979, testified Raineri helped run the night club and received a cut of the proceeds from prostitution. She testified Raineri often came to the bar and helped count earnings from prostitution.

Mrs. Gasbarri testified Raineri once told her, "Don't worry about any law enforcement coming to town because they have to come to me first."

The conviction for lying to the grand jury involved testimony he

gave concerning a trip to Reno, Nevada.

The obstructing justice count related to Raineri's threatening a witness.

Raineri, who was Iron County's district attorney for almost 18 years, is still free on appeal bond. He had told the Chicago court that rulings by Judge Barbara J. Crabb denied him a fair trial. The appellate court rejected the argument.

Mrs. Crabb sentenced him to three years in prison and fined him \$15,000.

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(Indicate page, name of newspaper, city and state.) **A-8**
MILWAUKEE JOURNAL
MILWAUKEE WISC

Date: **2/9/82**
Edition: **LATEST**

Title:

Character: **194-35**
or
Classification:
Submitting Office:
MILWAUKEE

Indexing:

Court backs Rainieri conviction

Associated Press

The conviction of a northern Wisconsin judge who was accused of promoting prostitution was upheld Monday by the 7th Federal Circuit Court of Appeals in Chicago.

The appellate court said information presented at the Federal District Court trial of Alex J. Rainieri in Madison showed that prostitution functioned at the Show Bar in Hurley in the 1970s "at his urging."

Rainieri, a former Iron County district attorney, was removed as a Wisconsin circuit judge after being convicted of perjury before a grand jury that had investigated

Hurley's nighttime activities. He also was convicted of obstructing justice and of promoting prostitution.

Rainieri, who is still free on appeal bond, was sentenced to three years in prison and fined \$15,000.

194-55-557

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4/5/82

TO: Director, FBI (190-26872)
Attention: SA [redacted]
FOIPA

FROM: SAC, Milwaukee (190-0)

SUBJECT: ALEX J. RAINERI
FOIPA REQUEST

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Re Bureau airtel to Milwaukee 3/26/82.

Enclosed, under separate cover, for the Bureau are copies of documents which are proposed for release.

The enclosed documents were reviewed on 4/2/82 by Milwaukee Case Agent and only one additional deletion is requested.

This appears in Bureau file 194-1122, serial 29, (Los Angeles airtel to Bureau dated 8/25/80), page one (both copies). It is requested that the address of [redacted] California, be deleted from released documents. It is not known if Rainieri actually possesses this address and it is felt inadvisable for the FBI to furnish it to him, since [redacted]

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All remaining items being released have previously been turned over to the defense in discovery proceedings.

- 3 - Bureau (190-26872) (RM)
(1 - Package Copy)
- 2 - Milwaukee
(1 - 190-0)
(1 - 194B-35)

[redacted]
(5) [redacted]

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194-35-558

MI 190-0

On 2/8/82, the U. S. Court of Appeals for the 7th Circuit affirmed Raincri's conviction. Although Raincri's attorneys have stated intent to further appeal to U. S. Supreme Court, it is anticipated that Raincri will be ordered to begin serving his sentence (three years) on 4/21/82. So as not to further complicate this issue, it is requested that release of enclosed documents be made on or after that date.

In the
United States Court of Appeals
For the Seventh Circuit

No. 81-1394

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ALEX J. RAINERI,

Defendant-Appellant.

Appeal from the United States District Court for the
Western District of Wisconsin.
No. 80 CR 29, Barbara J. Crabb, Judge.

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ARGUED SEPTEMBER 15, 1981—DECIDED FEBRUARY 8, 1982

Before CUMMINGS, *Chief Judge*, FAIRCHILD, *Senior Circuit Judge*, and PELL, *Circuit Judge*.

FAIRCHILD, *Senior Circuit Judge*. After hearing the testimony and deliberating upon the evidence, a jury at Madison, Wisconsin, found the defendant guilty on all five counts of an indictment. On appeal, he raises numerous issues. We affirm the convictions.

The first three counts charged the defendant with having caused travel and the use of a facility in interstate commerce to promote a Hurley, Wisconsin, business enterprise involving illegal prostitution.¹ The fourth count charged that he had knowingly made false and material declarations before a federal grand jury.² The

¹ 18 U.S.C. §§ 2 and 1952.

² 18 U.S.C. § 1623.

11/1981-35-559

fifth charged that the defendant had endeavored to obstruct the administration of justice by having a prospective grand jury witness threatened in connection with her prospective testimony.³

The evidence showed the defendant's extensive involvement in operating the Showbar, a Hurley, Wisconsin, business enterprise involving prostitution. It also showed that certain checks issued in promoting that enterprise and some linen used on the beds where the prostitutes worked had crossed state lines. Trial evidence also demonstrated that the defendant testified falsely before the grand jury when he stated that he did not travel to and from Reno, Nevada, with Cira Gasbarri in September and October, 1978. There was also proof that after the grand jury asked the defendant whether Patricia Colossaco, a Showbar bartender, had ever told him that there was prostitution at the Showbar, he told Colossaco's brother to tell her to quit telling lies about the defendant, to keep her mouth shut, and if she did not listen to her brother, the defendant would get someone else to talk to her.

The defendant's arguments fall into three categories: objections to pretrial rulings; disputes over trial rulings; and challenges to the sufficiency of the evidence.

I

PRETRIAL RULINGS

A. Location of Trial

Raineri moved to transfer the trial of this case from Madison to Hurley or Superior. A magistrate denied the motion after assessing the probable convenience and inconvenience to defendant resulting from trial at either of those locations. The district court denied reconsideration. *United States v. Raineri*, 521 F.Supp. 30, 32, 33 (W.D. Wis. 1980).

³ 18 U.S.C. § 1503.

Rule 18, Fed. R. Crim. P., requires the court to "fix the place of trial within the district with due regard to the convenience of the defendant and the witnesses and the prompt administration of justice."

We are not persuaded that there was an abuse of discretion. The magistrate concluded, for reasons set forth in his decision, that trial at either of the requested locations would result in greater inconvenience to defendant and the witnesses. Moreover Rule 18 requires due regard to the prompt administration of justice. In our view this requires consideration of the disruption of the functioning of the court caused by trial away from its customary headquarters.

Although defendant and a number of expected witnesses lived at Hurley, approximately 300 miles north of Madison, no federal court quarters exist there. The former federal courtroom at Superior, one of the places specified by statute for holding court, and approximately 100 miles west of Hurley, has been dismantled. The volume of cases in the Western District of Wisconsin and the limited personnel, facilities, and other resources available for dealing with this work have resulted in an increased centralization of judicial activity at the district's largest population and litigation center, Madison, where both the only district judge in regular active service at the time of trial and the district's only senior judge reside. In view of these facts, the adverse effect on the prompt administration of justice of holding a trial at Superior or Hurley must be significant, even assuming availability of a state court courtroom at either of these places without cost to the United States. See 28 U.S.C. § 142.⁴

⁴ The legitimate factors which have led to the concentration of judicial activity at the Western District's Madison headquarters and the consequent dismantling of other federal courthouses distinguish this case from *United States v. Fernandez*, 480 F.2d 726, 730 (2d Cir. 1973), which expressed disapproval when the only person convenience by a trial away from the headquarters of a multi-judge district was the judge to whom the case had been assigned, and *United States v. Burns*, 662 F.2d 1378 (11th Cir. 1981).

B. Jury Selection

Defendant also argues that the Jury Selection Plan, under which his jury was selected, no longer complies with the Jury Selection and Service Act, 28 U.S.C. §§ 1861-69. Specifically, the claim is that citizens residing in many counties of the district are not currently and probably never will be considered for service on a petit jury.

The situation on which defendant predicates his challenge may be described as follows:

There are five statutory places for holding court within the district: Eau Claire, La Crosse, Madison, Superior, and Wausau. 28 U.S.C. § 130(b). In years past, the bulk of activity was at Madison, but jury trials were held to some extent at the other places. When the district court adopted its Jury Selection Plan under the Act, it placed every county in one of five "divisions," each of which surrounded one of the five places where court was held. There are no statutory divisions in the district, and the "divisions" in the Plan complied with § 1869(e)(2). Although grand jurors are selected from throughout the district, petit jurors are selected from the "division" in which the place of trial is located. As time went by the caseload for the district (with only one judgeship authorized until 1978) increased so as to become one of the highest per-judge caseloads in the nation. More and more of the judicial activity was necessarily concentrated at Madison. In recent years trials have come to be held only at Madison, except for some at Eau Claire. The district court quarters in the other places have been closed.

Defendant points to the policy stated in § 1861 "that all citizens shall have the opportunity to be considered for service on . . . petit juries . . ." Section 1863(a) requires that a district Plan "shall be designed to achieve the objectives" of § 1861. Defendant plausibly asserts that currently, at least, residents of the La Crosse, Superior, and Wausau divisions are not considered for service on petit juries. Essentially this is a claim that a plan which originally complied with the Act has fallen

away from compliance because of changed circumstances.

Defendant's motion to change the place of trial would not have remedied the situation, except in the sense that some residents of the Superior division would have been members of his jury. In any event his motion did not preserve his claim. Congress prescribed a motion to stay proceedings as the exclusive means by which an accused may challenge a petit jury on the ground that it was not selected in conformity with the Act. 28 U.S.C. § 1867(d), and (e).

Defendant did move to dismiss the indictment on the statutory ground just described, also asserting a constitutional right to trial by a jury drawn from the entire district, a claim he no longer presses. The motion was denied. *United States v. Raineri*, 521 F.Supp. 30, 32, 33, 36-38. A motion to dismiss the indictment is included in § 1867(a) and (e) as one of the exclusive remedies for challenging a jury not selected in conformity with the Act.

The text of § 1867(d)⁵ makes clear that although the remedy for noncompliance in grand jury selection may be either a stay pending a conforming selection of a grand jury or a dismissal of the indictment, the only remedy for noncompliance in the selection of a petit jury is a stay pending the selection of a petit jury in conformity with the Act. We conclude, therefore, that the exclusive procedure for a challenge to the selection of petit jurors is a motion for stay of proceedings.

⁵ 28 U.S.C. § 1867(d) provides in part: "If the court determines that there has been a substantial failure to comply with the provisions of this title in selecting the grand jury, the court shall stay the proceedings pending the selection of a grand jury in conformity with this title or dismiss the indictment, whichever is appropriate. If the court determines that there has been a substantial failure to comply with the provisions of this title in selecting the petit jury, the court shall stay the proceedings pending the selection of a petit jury in conformity with this title."

The magistrate concluded that although petit jurors are "routinely" selected in only two divisions, the possibility that trials might be held at some time in the La Crosse, Superior, or Wausau divisions keeps the district's Jury Selection Plan in compliance with the Act. Apparently the district court agreed. In addition there may be some question whether Congress intended that a litigant whose jury was otherwise properly selected from a division of a district could challenge the particular type of defect alleged here, involving, as it would, interests of citizens in an opportunity to be considered for service rather than the more traditional interests of litigants in the jury selection process.

Because defendant did not resort to the exclusive remedy provided, we do not reach either of these questions.

C. The Speedy Trial Act

The defendant asserts that the commencement of trial on November 24, 1980, more than five months after both the June 23 arraignment and the June 6 indictment violated the Speedy Trial Act, 18 U.S.C. §§ 3161-3174. That act required the trial to begin within seventy days of the arraignment; 18 U.S.C. § 3161(c)(1); but excluded from the seventy days certain periods of delay. 18 U.S.C. § 3161(h). One provision excludes the delay between the filing and the prompt disposition of any pretrial motion. 18 U.S.C. § 3161(h)(1)(F). Another excludes "delay reasonably attributable to any period, not to exceed thirty days, during which any proceeding concerning the defendant is actually under advisement by the court." 18 U.S.C. § 3161(h)(1)(J). The defendant filed twelve motions on June 28 and seven motions on July 7, the last day on which the magistrate's June 23 pretrial order allowed the parties to file motions. In accord with the magistrate's pretrial order, the prosecution responded to the motions on July 18. The defendant, filed a July 25 motion requesting the disqualification of the district judge; and a July 28 affidavit in support of his various motions. On August 1, the prosecutor filed the final affidavit in opposition to the defendant's pretrial motions.

This affidavit responded in part to the defendant's July 25 motion. Thus, the period from June 23 until August 1 does not count toward the seventy days because it was occupied with the prompt disposition of the motions the defendant filed on three different dates. 18 U.S.C. § 3161(h)(1)(F).

The magistrate had some of these motions under advisement until October 28. (He had decided some of them and made recommendations on others on October 3, October 7, October 10, and October 15.) It is reasonable to attribute and exclude thirty of the days between August 1 and October 28 to the motions under advisement. 18 U.S.C. § 3161(h)(1)(F) & (J).⁶ *United States v. Regilio*, No. 81-1618, slip op. at 4 (7th Cir., Dec. 28, 1981); *United States v. Brim*, 630 F.2d 1307, 1311-13 (8th Cir. 1980). See also *Furlow v. United States*, 644 F.2d 764, 768 (9th Cir. 1981). Thus, the seventy-day period may be counted from September 1.

On October 3, the magistrate partially granted one of the defendant's discovery motions. Information disclosed as a result of this decision led the defendant, on October 7, to file another motion to dismiss. The October 7 motion stopped the Speedy Trial clock at the point when thirty-seven days had elapsed. On November 10, the court denied the motion to dismiss. Thirty of the intervening days are reasonably attributed to the prompt determination of that motion and are excluded. 18 U.S.C. § 3161(h)(1)(F) & (J). Thus, by November 10, for purposes of the Speedy Trial Act, forty-one days had elapsed. Under these circumstances, commencement of the trial on November 24 did not violate the Speedy Trial Act.

The defendant urges that the magistrate's June 23 pretrial order requires a different result. That order provided that trial commence on August 29. The order also provided that the magistrate would not extend the

⁶ Our calculations disclose that the trial commenced fifteen days before the Speedy Trial Act deadline. Thus even if the time between July 25 and August 1 must be considered as part of the period under advisement, there is no Speedy Trial Act violation.

time set by the order, absent a finding that the ends of justice served by an extension outweighed the best interest of the public and the defendant in a speedy trial. On July 29, the trial date was cancelled, but the finding described above was not expressly made. This cancellation is entirely understandable, coming as it did, shortly after the defendant filed a late motion and a separate late affidavit in support of his earlier motions. On August 29, the original trial date, the defendant's numerous motions still burdened the magistrate.

The language in the magistrate's order concerning the finding as a prerequisite to an extension was doubtless borrowed from 18 U.S.C. § 3161(h)(8)(A). The inclusion of this language in the order did not bind the court to a standard more rigid than the statute.

D. Joinder

1. Rule 8

The defendant asserts that Rule 8, Fed. R. Crim. P. does not authorize joinder of Counts IV and V (perjury and causing a witness to be threatened) with Counts I, II, and III (causing interstate travel and use of interstate facilities to promote a prostitution enterprise). Rule 8(a) authorizes joinder where "offenses . . . are based on . . . two or more acts or transactions connected together or constituting parts of a common scheme or plan."

There is obviously a degree of connection between the acts charged in the five counts. The expected proof would show Travel Act offenses followed by perjury and threatening of a witness for the purpose of escaping prosecution. In determining whether the connection is sufficient for the purpose of Rule 8(a) "the court should be guided by the extent of evidentiary overlap." *United States v. Zouras*, 497 F.2d 1115, 1122 (7th Cir. 1974). Proof of the Travel Act counts tended to show motive for the charged perjury and threat, and proof of the perjury and threat tended to show defendant's awareness of guilt of the Travel Act counts. Specifically, significant testimony in establishing defendant's involvement in the

prostitution enterprise came from the witness who was threatened, and the perjury tended to persuade the grand jury that defendant's relationship with Ms. Gasbarri was casual and thus to divert it from discovering the close relationship between them incidental to the operation of the enterprise.

We think the criterion quoted from Rule 8(a) was fulfilled.

2. Rule 14

The defendant argues that even if Rule 8, Fed.R.Crim.P., permits joinder, the district court should, under Rule 14, Fed.R.Crim.P., have granted his request for relief from prejudicial joinder and ordered trial of Counts I, II, and III separately from Counts IV and V. We may reverse a denial of Rule 14 relief only if the trial court has abused its discretion or committed plain error affecting substantive rights. *United States v. Kopel*, 552 F.2d 1265, 1272 (7th Cir.), cert. denied, 434 U.S. 970 (1977). Such a reversal would entail finding "that the facts and law presented to the trial judge at the time of the motion for severance demonstrated that a trial under joinder was likely to be unfair and that the trial was in fact unfair." *United States v. Kahn*, 381 F.2d 824, 841 (7th Cir.), cert. denied, 389 U.S. 1015 (1967). See also *United States v. Pacente*, 503 F.2d 543, 546 (7th Cir.), cert. denied, 419 U.S. 1048 (1974).

The defendant alleges that credibility was the main issue in this trial and that the jury failed to fully credit his denials of promoting an illegal prostitution enterprise because he was charged with perjury and obstruction of justice and because the prosecution's opening argument posited that the defendant's involvement in the illegal enterprise furnished the motive for his perjury and obstruction of justice. We are not persuaded that the joinder of charges which, *if proved*, might damage his credibility, deprived him of a fair trial, nor that the district court abused its discretion.

E. Psychiatric Examination

The defendant claims that the court committed reversible error by its denial of his request to compel a psychiatric examination of Gasbarri. The district court has broad discretion in determining whether to compel a witness to undergo a psychiatric examination. *United States v. Jackson*, 576 F.2d 46, 48 (5th Cir. 1978); *United States v. Russo*, 442 F.2d 498, 503 (2d Cir. 1971), cert. denied, 404 U.S. 1023 (1972). See *United States v. LaBarbera*, 463 F.2d 988, 990 (7th Cir. 1972); *United States v. Riley*, 657 F.2d 1377, 1387 (8th Cir. 1981). In exercising this discretion the court must consider the infringement on a witness's privacy, the opportunity for harassment, and the possibility that an examination will hamper law enforcement by deterring witnesses from coming forward. *United States v. Jackson*, 576 F.2d at 49; *United States v. Butler*, 481 F.2d 531, 534 (D.C. Cir. 1973).

We have examined defendant's motion and very general supporting affidavit filed at the time of arraignment and cited in his brief. We have also examined the magistrate's report on the motion. We note that on the crucial issues Gasbarri's testimony was corroborated by other witnesses or by documents. We are not persuaded that there was any abuse of discretion.

II

TRIAL RULINGS

A. Medical Records

1. Privilege

The defendant takes issue with the trial court's rejection of his counsel's attempts to introduce into evidence as an exhibit the Hope Community Mental Health Center's (Center) records regarding Cira Gasbarri.

Pursuant to a subpoena, the Center provided the records to the grand jury but indicated that they were confidential and could not be turned over to any other

entity.⁷ The Center's assertion of a statutory privilege conflicted with the prosecution's obligation to turn over exculpatory material. Therefore, the prosecution placed before the magistrate the question of the disposition of those records. In a July 24, 1980 letter to the magistrate, the prosecutor asserted good cause to disclose the data recording Gasbarri's treatment, diagnosis, and prognosis and the dates of her enrollment, attendance, and discharge. See 42 U.S.C. § 4582(b)(2)(C); 42 C.F.R. § 2.1-2.66. The prosecution suggested an order directing the turnover of such data to the court for review and possible disclosure to the defendant. On July 31, the magistrate ordered the Center to disclose such data to him. The Center reported the information to the magistrate on August 11. On September 4, the magistrate ordered the release of this limited information to defense counsel.

This information disclosed that: (1) Gasbarri had been hospitalized at the Center from December 6, 1979 to December 21, 1979, a period subsequent to the 1978 events about which she testified at trial; (2) at the time of her hospitalization, her diagnosis had been psychotic depression reaction transient situational disturbance; (3) during her hospitalization, her treatment consisted of individual and group therapy and 200 mg. of Mellaril every hour for nine days; (4) her prognosis was good; (5) she received outpatient treatment on December 31, 1979 and in 1980 on January 7, 14, and 29, February 8, March 31, April 14, June 20, and July 14; (6) during her outpatient treatment, she received individual therapy with 25 mg. of Mellaril to be taken twice a day as needed.

⁷ The records contained a statement that "This information has been disclosed to you from records whose confidentiality is protected by [California] Section 5328 Welfare and Institutions Code; and/or federal law. Federal regulations (42 C.F.R. part 2) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose."

The magistrate suggested getting Gasbarri's position on turning over the remainder of the records. After Gasbarri objected, the prosecutor, in a letter to the magistrate, proposed to return the records to the Center and suggested that defense counsel subpoena the records to resolve the question of privilege in advance of trial under Fed.R.Crim.P. 17.1. The prosecutor sent a copy of the letter to the defendant's lawyers. The magistrate scheduled a hearing on the issue, but cancelled it when defense counsel advised him that they did not object to the proposal stated in the prosecutor's letter (A. 22). Defense counsel did not subpoena the records before trial.

After Gasbarri testified, defense counsel subpoenaed the records. The judge received them on December 4 and allowed defense counsel access to the records. On December 9, the prosecution submitted a memorandum concerning the records. On the next day, the judge stated that, by oversight, she had not opened the sealed materials and read all of the proceedings before the magistrate in connection with the medical records in question until the previous evening. She indicated that she had erred in permitting access to the records. The judge required the return of all copies of the records and stated that the regulations prohibited dissemination until a showing of justification for the release. After criticizing defense counsel for failing to deal with the privilege problem before trial, she said that she would have to hear testimony from an official of the Center before she could determine whether to release the records. The judge then allowed defense counsel an opportunity to explain why they had failed to raise and resolve the privilege question before trial. (Tr. 12/10/80 p. 445.) When defense counsel offered no satisfactory explanation, the court ruled that their failure precluded them from disputing in mid-trial the Center's assertion that the records were privileged. (Tr. 12/10/80 pp. 462-63, 483; 12/15/80 pp. 693-94.)

In view of defense counsel's consent to the suggestion to resolve the claim of privilege before trial and their failure to do so, the court did not abuse its discretion

when it refused to allow defense counsel to interrupt the trial to challenge whether the records were privileged. See *United States v. Jackson*, 621 F.2d 216, 220 (5th Cir. 1980); *United States v. Scanland*, 495 F.2d 1104, 1106 (5th Cir. 1974).

We do not have the records before us. From the remarks of the attorneys at the trial we have determined that in addition to the information disclosed pursuant to the magistrate's order, the records contained: an admitting diagnosis of chronic paranoid schizophrenic (Tr. 12/10/80 p. 453); reference to a prior hospitalization at Camarillo State Hospital in California (Tr. 12/11/80 p. 620); summaries of Gasbarri's conversations including some statements attributed to her about her desire to expose a Wisconsin attorney (Tr. 12/8/80 p. 5). The prosecution conceded the authenticity of these records but opposed their admission not only on the grounds of privilege but also on the grounds of hearsay and insufficient foundation to determine the qualifications of the persons who had reached the recorded conclusions.

After several unsuccessful efforts to have the court reconsider its ruling, defense counsel called two witnesses from the Center. George Paz, a staff psychiatrist and Gasbarri's treating physician at the Center, asserted a statutory privilege under 21 U.S.C. § 1175. The court ordered him to answer those questions necessary to determine whether the privilege applied to his testimony and that of Constance Williams, the clinical director and psychiatric socialworker, who treated Gasbarri and wrote most of the records in question. Paz then testified that Gasbarri had not participated in a drug or alcohol abuse program at the Center. The court noted that the statutory privilege in question applied only to such programs. Williams and Paz then testified about Gasbarri's involuntary commitment to the Camarillo State Hospital in 1979, some months prior to her admission to the Center. Paz reported that Gasbarri's family had become concerned after her discharge from Camarillo that they might not be able to care for her, that they needed to

have someone with her all the time, and that she was creating inter-personal conflicts with family members. Gasbarri's family brought her to Olive View County Hospital which advised hospitalization on a voluntary basis and referred Gasbarri to the Center.

Williams and Paz testified that during Gasbarri's stay at the Center her diagnosis was psychotic depressive reaction, and her treatment included doses of Mellaril. Williams said Gasbarri had made statements that she had lost some of her property and had been exploited by an attorney in Wisconsin with whom she had been friends. According to Paz, Gasbarri had difficulty responding directly to questions during her stay at the Center (Tr. 12/15/80 p. 746) and would frequently respond by starting four to ten years prior to the question. In Paz' opinion, based upon his observations of Gasbarri as an outpatient, her psychotic depressive reaction had resolved shortly after Gasbarri's discharge from the Center, but a situational disturbance continued to produce milder forms of anxiety which Paz called "situation adjustment reactions or transient situational disturbances with adjustment reaction."

The court sustained an objection to the relevance of the admitting diagnosis (Tr. 12/15/80 p. 736), a ruling the defendant does not appeal. Defense counsel never asked Paz or Williams any questions about the medical records. Nor did the defense again offer any part of the records.

The court's ruling that the statutory privilege did not bar the testimony of Paz and Williams undermined the Center's claim of privilege, but, by itself, it did not transform the court's previous decision into an abuse of discretion.

2. Effective Representation

Defense counsel's failure to qualify the medical records for admission as an exhibit does not rebut the presumption that counsel afforded the defendant adequate assistance. *United States v. Fleming*, 594 F.2d 598, 607 (7th Cir.), cert. denied, 442 U.S. 931 (1979). We

measure adequacy by the totality of each case's circumstances. *United States v. Starnes*, 644 F.2d 673, 681 (7th Cir. 1981); *United States v. Phillips*, 640 F.2d 87, 92 (7th Cir.), cert. denied, 101 S.Ct. 2331 (1981), not by an isolated failure. Furthermore, the defendant has shown no prejudice from his counsel's failure. See *United States v. Weir*, 657 F.2d 1005, 1008 (8th Cir. 1981); *United States v. Coupez*, 603 F.2d 1347, 1350 (9th Cir. 1979).

The defendant made an extensive attack on Gasbarri's credibility and her ability accurately to perceive, recall, and relate events. This attack included evidence of excessive drinking; public lesbian acts; attempts by her to shoot the defendant and to drive her car into his; her confinement at a mental health center; her destruction of electrical outlets, television sets, and other furniture in the belief that the Mafia was after her and that the FBI was in the television, light bulbs, thermostat, telephone wires, and telephone poles; her statements that she had attended her own funeral three or four times, that she was being followed, that her home was being filled with poison gas, and that the defendant had burned the Showbar and had hired someone to kill her (the alleged hired killer categorically denied Gasbarri's statement); the diagnosis of her attending physician that in late 1979 she was undergoing a psychotic depressive reaction which may have involved delusions; and her physician's testimony that he had prescribed Mellaril for her.

In view of the testimony of George Paz and Constance Williams and the other evidence which attacked Gasbarri's credibility, the records may have added little (nothing to the extensive onslaught.

B. Gasbarri Subpoena

The prosecution called Cira Gasbarri, at that time a California resident, as its first witness. She testified and defense counsel cross-examined her on November 24 and 25. Defense counsel subpoenaed Gasbarri to reappear on December 12 as a defense witness. The prosecutor moved to quash the subpoena. The court granted the motion. The defendant advances several rationales for finding

that the trial court erred when it quashed his subpoena to recall Gasbarri.

1. Prosecution Standing

The defendant urges that the prosecution had no standing or authority to move to quash the subpoena. We disagree. A party has standing to move to quash a subpoena addressed to another if the subpoena infringes upon the movant's legitimate interests. *In re Grand Jury*, 619 F.2d 1022, 1027 (3rd Cir. 1980). The prosecution's standing rested upon its interest in preventing undue lengthening of the trial, undue harassment of its witness, and prejudicial over-emphasis on Gasbarri's credibility.

2. Confrontation

The defendant argues that quashing the subpoena violated the defendant's constitutional right to confront Gasbarri. The Sixth Amendment right to confront witnesses through cross-examination "is not without some reasonable limitation within the sound discretion of the trial judge." *United States v. Hansen*, 583 F.2d 325, 332 (7th Cir.), cert. denied, 439 U.S. 912 (1978). When, as here, the defendant has already subjected the witness to an intense and complete cross-examination, a trial judge's refusal to recall the witness for further cross-examination does not violate the defendant's right to confront the witnesses against him. *United States ex rel. King v. Schubin*, 522 F.2d 527, 529 (2d Cir.), cert. denied, 423 U.S. 990 (1975); *United States v. Somers*, 496 F.2d 723, 734 (3rd Cir.), cert. denied, 419 U.S. 832 (1974). See *Alford v. United States*, 282 U.S. 687, 694 (1931); *Faust v. United States*, 163 U.S. 452, 455 (1896).

3. Right to Call Witnesses

The defendant asserts that quashing the subpoena deprived him of the right to call Gasbarri as a witness in his favor. Unless Gasbarri would have produced relevant and material testimony which favored the defendant, the quashing of the subpoena could not have

violated the defendant's right to call witnesses in his favor. *United States v. DeStefano*, 476 F.2d 324, 330 (7th Cir. 1973).

The judge used great effort to find out whether Gasbarri's reappearance would lead to the introduction of substantive evidence. She invited defense counsel to submit a written *ex parte* statement of the substantive evidence they would seek to elicit if she allowed them to recall Gasbarri. They never responded to that invitation. We accept the court's conclusion based on defendant's earlier oral offer of proof that the defense sought to recall Gasbarri solely to impeach her further. The right to produce witnesses does not extend to such a recall.

4. Policy Arguments

The defendant argues that he should have been allowed to subpoena Gasbarri because (1) requiring a defendant to explore every possible area of cross-examination during the prosecution's case might result in defeating a motion for a judgment or a directed verdict of acquittal and (2) during cross-examination of the prosecution's initial witnesses, defense counsel may be unaware of things which become known later in the trial. These arguments have some abstract merit, but the defendant fails to show that they apply to his case. Furthermore, Fed.R.Evid. 611 lists the policy considerations which shall guide a trial court's reasonable control over the mode and order of interrogating witnesses; (1) effectiveness for the ascertainment of truth; (2) avoiding needless consumption of time; and (3) protecting witnesses from harassment or undue embarrassment. On the record before us we cannot say that the trial court departed from the standards of Rule 611.

C. The Defendant's Direct Examination

The following exchanges occurred during the defendant's direct testimony:

By MR. DAN LINEHAN [Counsel for the defendant]: Q. Do you remember testifying before the Grand Jury in this case?

A. Yes, I do.

Q. Do you remember being asked whether or not you flew to Reno, Nevada, with Cira Gasbarri in September of 1978?

A. Yes, I do.

Q. Do you remember being asked if you flew back to Minneapolis with Cira Gasbarri in October of '78?

A. Yes, I do.

Q. What did you answer to those questions?

A. My answer, on the way to Reno I didn't believe that I flew on the same plane with her. I believe that she flew directly to California.

Q. You said you didn't fly there with her, didn't you?

A. That was my honest belief. I didn't think that she was on the plane with me. I couldn't remember her being there.

Q. And this was—

MR. TUERKHEIMER [United States Attorney]: Your Honor, I move to strike that portion of the answer which was "That was my honest belief."

MR. DAN LINEHAN: I object to that motion.

MR. TUERKHEIMER: I think that's what the jury can decide, not for the witness.

THE COURT: The motion is granted and the jury should disregard the witness's statement about that. That is a decision for the jury to make.

BY MR. DAN LINEHAN: Q. Alec, when you testified before the Grand Jury did you believe that you had flown to Reno in 1978 in September with Cira Gasbarri?

A. I believed I went alone.

(Tr. 12/11/80 pp. 16-18)

Raineri's testimony that he believed his statement to the grand jury when he made it was allowed to stand. We reject the defendant's argument that by striking the redundant characterization of his belief as "honest" the court unduly prejudiced the presentation of his defense.

D. Post-Summation Comment

Defense counsel's summation included an extensive argument on the credibility of numerous prosecution witnesses. Yvonne Spears was the subject of an especially emphatic commentary, parts of which follow:

"July and August, Gross and Spears. And Gross again testified, no prostitution. Spears testified that there was prostitution. She told the FBI when they took the stand it was out of context that she was the only girl involved in prostitution. But she had a key to the upstairs. She was doing it on her own. Today she says there was more. There's been no immunity granted to Miss Spears. I venture to say that she was the only witness who came without a subpoena. She testified to that fact. Why? Use your common sense. The letters are in evidence. Read them. Read them when you get to the jury room. Immunity or a letter of intent of immunity from Iron County from the District Attorney. Correspondence between Mr. Tuerkheimer [the United States Attorney] and the people in Milwaukee where she was in on five counts of sale of heroin.

"She talked to Mr. Burg [an FBI Special Agent]. \$25,000 cash bond. Couldn't make that. Apparently she wasn't making that much money either selling heroin or as a prostitute in Milwaukee. But she knows how to get what she wants. She's for sale and that lady knows it. She talks to Mr. Burg. Her bond is dropped to signature bond. Four counts are dropped and she pled to one count of sale of heroin. She's on the streets.

"Hasn't been sentenced yet; keep that open until after she testifies here. I think her testimony is sickening. I think it's incredible, totally incredible. If I had the power of the Government to move people[s'] lives in that manner and to work in conjunction with other law enforcement, even to give a recommendation that could help, I think I could probably bring 20 or 30 heroin dealers and prostitutes from Milwaukee before you and say that

they had face⁸ with Mr. Tuerkheimer or that Milwaukee doesn't even exist.

" . . .

"Spears comes back in, tries to take over some control because she had seen that prostitution was run wide open. And Spears is going to take advantage of anybody she can. And don't let anybody tell you any different. Interesting stipulation with Spears. You find it; it's in the evidence. The banker who notarized the fact that she wasn't in prostitution, who wasn't her best trick. There is a stipulation signed between me and Mr. Tuerkheimer representing the United States Government that if that banker were to testify that he would testify that he was never at the Show Bar, that he was never a date of Yvonne Spears and anything to the contrary is untruthful in his opinion.

"Do you think for one minute the Government is going to give me that in this case if it weren't true? They know it. They're covering for their witnesses now. They come on strong and now they're covering."

(Tr. 12/16/80 pp. 950-955)

After defense counsel concluded the judge said:

"Thank you, Mr. Linehan [defense counsel]. I believe it is necessary to advise the jury, however, that they should disregard any implication by Mr. Linehan in his closing argument implying that the Government arranged or procured untruthful testimony by Yvonne Spears. Whether or not Yvonne Spears is credible or not is entirely up to you to determine and nothing that I say is intended to affect your determination of that. But it is not proper for a lawyer to imply that another side has procured untruthful testimony."

⁸ The prosecution suggests that the word "face" is an error in the transcript and that defense counsel actually used the word "sex."

Thereafter defense counsel moved for a mistrial on the grounds that the judge's remark was not a fair comment on his argument. Alternatively, defense counsel requested the court to retract its comment or to instruct the jury to disregard it. The court denied all these requests.

The court's comment did not encourage the jury to disregard defense counsel's argument that Spears testified falsely. The full context demonstrates that the court told the jury to disregard only the possible implication that the prosecution knowingly procured untruthful testimony. The words used by defense counsel could be interpreted as a suggestion that the prosecution purchased untruthful testimony. The judge personally observed the argument. In the circumstances, we find no reversible error in the comment.

III

SUFFICIENCY OF THE EVIDENCE

A. *Travel Act Violations*

The defendant contests the sufficiency of the evidence which supports his convictions for the violations of the Travel Act, 18 U.S.C. § 1952, charged in the first three counts of the indictment. The Travel Act provides:

"(a) Whoever travels in interstate . . . commerce or uses any facility in interstate . . . commerce, including the mail, with intent to . . .

"(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity,

"and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

"(b) As used in this section 'unlawful activity' means (1) any business enterprise involving . . . prostitution offenses in violation of the laws of the State in which they are committed. . . ."

To convict the defendant for violating this statute in the manner charged in the indictment the prosecution had to prove that the defendant (1) with intent to promote a business enterprise involving illegal prostitution, (2) caused⁹ someone to travel in interstate commerce or use an interstate facility, and (3) the defendant thereafter promoted or attempted to promote the business enterprise. *United States v. Stevens*, 612 F.2d 1226, 1231 (10th Cir. 1979), cert. denied, 447 U.S. 921 (1980); *United States v. McPartlin*, 595 F.2d 1321, 1361 (7th Cir.), cert. denied, 444 U.S. 833 (1979); *United States v. Craig*, 573 F.2d 455, 489 (7th Cir. 1977), cert. denied, 439 U.S. 820 (1978). See *United States v. Hedge*, 462 F.2d 220, 223 (5th Cir. 1972).

The defendant virtually concedes the sufficiency of the evidence which demonstrated his intent to promote prostitution at the Showbar and his promotion of prostitution there. To whatever extent he challenges the sufficiency of that evidence his challenge is meritless. The defendant raises three points which warrant discussion: that the use of the facilities in interstate commerce (1) was unconnected to him; (2) was unconnected to the prostitution enterprise; and (3) constituted, at most, a happenstance. The defendant's first two arguments seem to question whether, when viewed in the light most favorable to the prosecution, *Glasser v. United States*, 315 U.S. 60, 80 (1942), the evidence would enable a reasonable juror to conclude beyond a reasonable doubt that the defendant's intentional promotion of a prostitution enterprise caused the three proven uses of facilities in interstate commerce. The defendant's third argument

⁹ Although 18 U.S.C. § 1952 only expressly applies to one who travels in or uses any facility in interstate or foreign commerce, 18 U.S.C. § 2(b) allows indictment and conviction for causing such travel or use. *United States v. Peskin*, 527 F.2d 71, 76 (7th Cir. 1975), cert. denied, 429 U.S. 818 (1976). Under the Travel Act, each act of interstate travel and each interstate use may constitute a separate offense. *United States v. Alsobrook*, 620 F.2d 139, 142 (6th Cir.), cert. denied, 449 U.S. 843 (1980); *United States v. Polizzi*, 500 F.2d 856, 898 (9th Cir. 1974), cert. denied, 419 U.S. 1120 (1975).

questions whether Congress extended federal criminal jurisdiction to the defendant's activities.

1. Showbar Prostitution

During the period when the defendant promoted prostitution at the Showbar, dancers employed by the bar would go to booths in the bar and masturbate those customers who spent thirty-five or fifty dollars for a three dollar bottle of champagne.¹⁰ During the same period, the dancer/prostitutes would make arrangements in the bar for the sale of their sexual favors to customers of the bar. Prostitutes would either put a share of their receipts into a box in the ladies dressing room or give it to the bartender. Above the bar there were about twenty rooms with beds used for prostitution. The rooms were supplied with sheets, pillowcases, and electricity. This evidence demonstrated that illegal prostitution permeated the Showbar.

2. The Defendant's Involvement

In 1976, at the defendant's request Cira Gasbarri returned from California to reopen the Showbar, which her husband had operated as a prostitution enterprise before his death in November, 1975. From late 1976 until early 1979, the defendant managed the Showbar in conjunction with Gasbarri. He gave her fifty dollars for every night she worked at the Showbar. At his urging Gasbarri permitted prostitution in the Showbar. After she had once removed prostitution related booths from the bar, the defendant told her to put them back and let the girls mingle with the customers or the Showbar would not survive. Throughout this period, the defen-

¹⁰ Effective June 1, 1978, Wisconsin defined the offense of prostitution to include intentionally masturbating a person for any thing of value. Wis. Stat. § 944.30(4); *City of Madison v. Schultz*, 98 Wis.2d 188, 197 (Ct. App. 1980). Although some of the testimony on this point concerned a period before the change in the statute, there was similar testimony covering a period thereafter.

dant and Gasbarri collected, and the defendant usually retained, the proceeds from this prostitution. He prepared Showbar checks for Gasbarri's signature, recorded information on check stubs and deposit slips, helped her with payroll problems, participated in hiring and firing employees, recruited a bartender, chose Jim Vitich to run the enterprise during his trip to Reno with Gasbarri, worked with her whenever problems arose, dealt with the bar's accountant regularly, and counted the bar and prostitution proceeds. At his request, various dummy officers signed liquor license forms. In June, 1978, when Patricia Colossaco told him about the prostitution, the defendant replied that she had nothing to worry about. When Wisconsin Alcohol and Tobacco Enforcement Division agents made a routine inspection of the Showbar, in March, 1979, he spoke to them over the phone, represented himself as the janitor, yelled at them, harassed them, and told them they would not get very far with any prosecution in the county. The defendant had served as Circuit Judge for Iron County,¹¹ Wisconsin, since January 1, 1978. The defendant's statements to the state agents permitted the jury to infer that he would have used his official position to protect his prostitution enterprise.

This evidence sufficed to allow a reasonable juror to find that the defendant caused prostitution to permeate the Showbar and rendered the Showbar an instrumentality of a prostitution enterprise. Therefore the jury could reasonably conclude that the defendant caused¹²

¹¹ Iron County includes Hurley.

¹² Convictions under 18 U.S.C. § 1952 do not require that the defendant knowingly cause or reasonably foresee interstate travel or use of an interstate facility. *United States v. McPartlin*, 595 F.2d 1321, 1361 (7th Cir.), cert. denied, 444 U.S. 833 (1979); *United States v. Craig*, 573 F.2d 455, 489, (7th Cir. 1977), cert. denied, 439 U.S. 820 (1978); *United States v. Peskin*, 527 F.2d at 78.

Because the Travel Act counts did not require proof that the defendant knew of the use of an interstate facility, the trial court correctly rejected his request to instruct the jury that knowledge of such use was required.

(Footnote continued on following page)

whatever use the Showbar made of facilities in interstate commerce to further prostitution. *United States v. Inciso*, 292 F.2d 374, 378 (7th Cir.), cert. denied, 368 U.S. 920 (1961); *United States v. Levine*, 457 F.2d 1186, 1188 (10th Cir. 1972).

3. The Interstate Elements

The benefit sought or gained from the interstate travel or use need not be essential to the illegal activity. *United States v. McLeod*, 493 F.2d 1186, 1189 (7th Cir. 1974); *United States v. Miller*, 379 F.2d 483, 486 (7th Cir.), cert. denied, 389 U.S. 930 (1967). It need only honor the promise of facilitating that activity. *United States v. Craig*, 573 F.2d at 467, 489 (unsuccessful effort to obtain help in collecting money to pay bribes); *United States v. Hedge*, 462 F.2d 220 (5th Cir. 1972) (shipment never picked up).

With respect to Count I, the prosecution proved the use of a facility in interstate commerce by showing that a payroll check drawn August 12, 1978 on the Showbar's Michigan bank account¹³ was given, in Hurley, Wisconsin, to Yvonne Spears, a dancer and prostitute at the Showbar, as compensation for her nude dancing, and crossed the state line in the process of collection. Gas-

¹² continued

The Sixth Circuit rejects the majority position and holds that a defendant must have actual knowledge of the interstate activity. *United States v. Alsobrook*, 620 F.2d 139. We continue to adhere to the majority position because we believe that an implied scienter requirement would severely undermine the Travel Act's purpose: to assist local authorities in combating criminal activities that extend beyond the borders of one state. *United States v. Peskin*, 527 F.2d at 78. We note that the reach of the Travel Act extends beyond organized criminal activity occurring in one state but managed from another. *Erlenbaugh v. United States*, 409 U.S. 239, 247 n.21 (1972); *United States v. Archer*, 486 F.2d 670, 678-80 (2d Cir. 1973).

¹³ The Showbar maintained the account in question under the name Ritz Bar, Inc.

barri signed the check. A reasonable juror could have found that the payment to a prostitute for nude dancing facilitated prostitution at the Showbar.

Count II was based upon a September 12, 1978, check drawn on the Showbar's Michigan bank account and used in Wisconsin to pay the Lake Superior Power Company, a Wisconsin business, for power at the Showbar. The defendant prepared this check for Gasbarri's signature. The check crossed state lines as part of the regular clearance process. Among other things, electricity was used to light the barroom and the upstairs rooms, to chill the champagne, and to provide musical accompaniment for the dancer/prostitutes. Thus a reasonable juror could have found that the payment facilitated prostitution.

The delivery of sheets and pillowcases from Hibbing, Minnesota, to the Showbar on October 2, 1978, formed the basis for Count III. Two prostitutes testified that they found sheets and pillowcases on the beds where they worked upstairs. Thus the jury also could have concluded that the interstate delivery of the linen facilitated prostitution.

In a Travel Act prosecution the interstate travel or use must relate significantly, rather than incidentally or minimally, to the illegal activity. *United States v. Craig*, 573 F.2d at 489. Proof that the defendant, without detriment to the illegal enterprise, could have replaced the interstate travel or use with an intrastate activity does not suffice by itself to prove the insignificance of the interstate element. We test the sufficiency of the jurisdictional basis (the interstate element), not by black-letter rules but by "the nature and degree of interstate activity in furtherance of the state crime." *United States v. Rauhoff*, 525 F.2d 1170, 1174 (7th Cir. 1975) quoting *United States v. Isaacs*, 493 F.2d 1124, 1148 (7th Cir.), cert. denied, 417 U.S. 976 (1974).

The jury could readily find that the maintenance and regular use of a bank account and the use of a linen supply house were significant in facilitating the illegal enterprise. Whatever the reason for the choice of bank

or linen supply house, transactions with the ones chosen involved travel or use of a facility in interstate commerce. It was unnecessary to identify some particular advantage derived out of the location of the bank account in Michigan or the linen supply house in Minnesota.

The case before us is not one where violation of the Travel Act was predicated upon fortuitous or isolated and insignificant interstate involvement, merely because a victim cashed a check before paying an extortioner, compare, *United States v. Altobella*, 442 F.2d 310, 315 (7th Cir. 1971), or because of the fortuitous organization of the Federal Reserve System, compare, *United States v. Isaacs*, 493 F.2d 1148, or because of the geographical origin of customers, compare, *Rewis v. United States*, 401 U.S. 808 (1971). In the case before us "the nature and degree of interstate activity in furtherance of the state crime" provides a sufficient basis for the exercise of federal jurisdiction. *United States v. Rauhoff*, 525 F.2d at 1174.

B. False Declarations

The defendant contends that his false statements before the grand jury were not material to its investigation. The materiality of a false statement is an essential element of the crime and is a question of law for the court to decide. *United States v. Picketts*, 655 F.2d 837, 840 (7th Cir.), cert. denied, 50 U.S.L.W. 3402 (Nov. 16, 1981). See *Sinclair v. United States*, 279 U.S. 263, 291 (1929). We have defined materiality as a statement's "effect or tendency to impede, influence or dissuade the grand jury from pursuing its investigation." *Picketts*, 655 F.2d at 839; *United States v. Parker*, 244 F.2d 943, 950-951 (7th Cir.), cert. denied, 355 U.S. 836 (1957). See *United States v. Whimpy*, 531 F.2d 768, 770 (5th Cir. 1976) (anything that could influence or mislead); *United States v. Percell*, 526 F.2d 189, 190 (9th Cir. 1975) (relevant to any subsidiary issue under consideration); *United States v. Koonce*, 485 F.2d 374, 380 (8th Cir. 1973) (tending to influence, mislead, or hamper). Potential interference with a line of inquiry suffices to establish

CERTIFIED COPY

28

No. 81-1394

materiality, regardless of whether the perjured testimony actually serves to impede the investigation. *United States v. Howard*, 560 F.2d 281, 284 (7th Cir. 1977).

In March, 1980, before the grand jury, the defendant stated: that he and his wife were like brother and sister to Gasbarri and her husband; that after the death of Gasbarri's husband, the defendant's relationship with Gasbarri remained the same, that the defendant and Gasbarri did not have an affair and did not travel together alone except for one time when he took her to the hospital in Duluth, and once or twice when he took her to Milwaukee to shop when he was driving there to sit in criminal court. When asked before the grand jury about a trip he took in September and October, 1978, to a judicial seminar in Reno, Nevada, the defendant said that he did not travel to and from Reno with Gasbarri; that she came there with her brother and sister; that either they looked him up or he ran into her sister by accident; and that he probably spent one day with Gasbarri in Reno. In fact, the defendant traveled to and from Reno with Gasbarri and they stayed together for the three weeks except for three or four days. He paid for her travel expenses.

The relationship between the defendant, a Circuit Judge and former District Attorney, and Gasbarri, the person ostensibly in charge of the Showbar, was important to the grand jury's investigation into the defendant's involvement in the prostitution enterprise. The defendant's false statements had the tendency to impede the grand jury from discovering the nature and the depth of that relationship. Therefore they were material.

C. Obstructing Justice

The defendant asserts that the record contains insufficient evidence to show that he knew that Patricia Colossaco, the person he arranged to have threatened, would be a witness before the grand jury. The defendant knew about the pending grand jury investigation. He had testified before the grand jury, at which time the

No. 81-1394

29

United States Attorney had told him that he was a target of the investigation, and had asked him whether Colossaco had ever told him there was prostitution at the Showbar. The defendant answered the question negatively. From these facts the jury could reasonably infer that, on the very next day, when the defendant endeavored to silence Colossaco, he knew that Colossaco was going to be a witness before the grand jury. *Odom v. United States*, 116 F.2d 996, 999 (5th Cir.), *rev'd on other grounds*, 313 U.S. 544 (1941).

In light of our conclusions that the trial judge did not err in her various rulings and that the evidence supports the convictions, the judgment is AFFIRMED.

A true Copy:

Teste:



Dolores Roselli, Deputy
Clerk of the United States Court of
Appeals for the Seventh Circuit

4/6/82

To: Director

Att.: OC Section BU FILE # 194B-1122

SAC _____
 ASAC _____
 Supv. _____
 Agent _____
 OSM _____
 Rotor # _____
 M _____
Room _____

Title ALEX J. RAINERI
Circuit Judge
Hurley, Wis.
HA-OC; ITAR-PROSTI-
TUTION; ITAR-
BRIBERY; PERJURY; OOJ
RE: _____

- | | | |
|---|--|--|
| <input type="checkbox"/> Acknowledge | <input type="checkbox"/> For Information | <input type="checkbox"/> Return assignment card |
| <input type="checkbox"/> Assign <input type="checkbox"/> Reassign | <input type="checkbox"/> Handle | <input type="checkbox"/> Return file <input type="checkbox"/> serial |
| <input type="checkbox"/> Bring file | <input type="checkbox"/> Initial & return | <input type="checkbox"/> Return with action taken |
| <input type="checkbox"/> Call me | <input type="checkbox"/> Leads need attention | <input type="checkbox"/> Return with explanation |
| <input type="checkbox"/> Correct | <input type="checkbox"/> Open case | <input type="checkbox"/> Search and return |
| <input type="checkbox"/> Deadline _____ | <input type="checkbox"/> Prepare lead cards | <input type="checkbox"/> See me |
| <input type="checkbox"/> Delinquent | <input type="checkbox"/> Prepare tickler | <input type="checkbox"/> Type |
| <input type="checkbox"/> Discontinue | <input type="checkbox"/> Recharge file <input type="checkbox"/> serial | <input type="checkbox"/> Send to _____ |
| <input type="checkbox"/> Expedite | | |
| <input type="checkbox"/> File | | |

Re Bureau R/S, 3/29/82, attached.

Enclosed for FBIHQ are copies of Bureau R/S dated 2/9/82 and Milwaukee's reply, 3/5/82.

1 - Bureau
1 - MI 194B-35

(2)

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file
194-85-20

SAC H. ERNEST WOODBY

Office MILWAUKEE

See reverse side

(Mount Clipping in Space Below)

Raineri to report to federal prison

By DENNIS McCANN
Globe-Madison Bureau

MADISON, Wis. — Former Iron County Judge Alex Raineri was ordered Monday to report to the federal correctional institution at Lexington, Ky., April 21, to begin serving a three-year sentence on five federal prostitution-related counts.

Federal judge Barbara Crabb ordered Raineri to appear at the

facility.

Raineri was sentenced in March, 1981. An appeal of the convictions was denied in February by the Seventh U.S. Circuit Court of Appeals. Raineri claimed he was denied a fair trial.

Raineri has also been ordered to pay a \$15,000 fine within six months after confinement begins.

Questioned at his Hurley home this morning whether he plans any

further appeal, Raineri said, "No comment." His Madison attorney, Daniel Linehan, was not available for comment today.

The Lexington prison is a minimum security institution for male and female prisoners.

Raineri's 16-day trial ended in December of 1980 with convictions on felony charges relating to his involvement with the Show Bar while he was judge.

4/6/82
Date:
Edition:
Daily Globe
Ironwood, Mi
Title:

Character:
or
Classification:
Submitting Office:

(94B-3556)

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(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city at top of page)

Raineri delays jailing

MADISON, Wis. (AP) — A judge consented Monday to let former Judge Alex Raineri postpone his reporting to a federal penitentiary, which he was supposed to do Wednesday as a result of a 1980 conviction.

Judge Barbara Crabb of U.S. District Court granted Raineri's petition to postpone his surrender one week.

His attorney, Daniel Linehan of Wausau, said the delay would allow time to appeal to the U.S. Supreme Court.

U.S. Attorney John R. Byrnes protested, saying Mrs. Crabb lacks jurisdiction for delaying the surrender.

Raineri, 63, a former Iron County district attorney, was convicted in 1980 of assisting an interstate prostitution business based at a Hurley tavern, lying to a grand jury about it and threatening a witness.

He was sentenced a year ago to three years in prison, was fined \$15,000 and was told to report this week to prison in Lexington, Ky.

Linehan said Raineri, because of illness, is not "a promising candidate for incarceration."

Date: 4/20/1
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Daily G
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 Title:

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194B-3

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FBI — MILWU

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(Mount Clipping in Space Below)

Raineri reports to prison

LEXINGTON, Ky. — Former Iron County Judge Alex Raineri, Hurley, began serving a three-year sentence Thursday in the federal correctional institution in Lexington, Ky.

Raineri reported as

scheduled this week to the facility, spokesmen there confirmed.

Raineri, who also served as Iron County District Attorney for many years, was convicted on five

prostitution-related counts concerning his involvement with the Show Bar in Hurley while he was judge.

The Lexington facility is a minimum security prison.

Date: 4/30
Edition: Daily Ironer
Title:

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Submitting Office:

194B-3

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FBI - MILWAUKEE	

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FBI

TRANSMIT VIA:

Teletype
 Facsimile

PRECEDENCE:
 Immediate
 Priority
 Routine

CLASSIFICATION:

TOP SECRET
 SECRET
 CONFIDENTIAL
 UNCLAS E F T O
 UNCLAS

Date 5/17/82

FM MILWAUKEE (194B-35) P

TO DIRECTOR (194-1122) PRIORITY 1936 Z DETROIT PRIORITY 2016 Z LOS ANGELES PRIORITY 2030 Z

BT

UNCLAS E F T O

UNSUB, AKA - VICTIM; EXTORTION,
OOJ.ALEX J. RAINERI, CIRCUIT JUDGE (FORMER), HURLEY, WISCONSIN;
HOBBS ACT-CPO; ITAR-PROSTITUTION; PERJURY; OOJ; OO: MILWAUKEE.ON MAY 15, 1982,

CALIFORNIA, , TELEPHONICALLY ADVISED
 SA OF THE WAUSAU, WISCONSIN, RESIDENT AGENCY, THAT
 ON THIS DATE SHE HAD RECEIVED THREATENING LETTER ADDRESSED TO
 HER AT , POSTMARKED
 MAY 11, 1982, AT , MICHIGAN, SIGNED '', AND
 REFERRING TO TESIMONY IN MILWAUKEE CASE AGAINST
 RAINERI. FOR INFORMATION,

194B-35

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 005-DE 2009Z

Approved: Transmitted 006-LA 2023Z
(Number) (Time)Per b6
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194-35-564

FBI

TRANSMIT VIA:

- Teletype
 Facsimile

- PRECEDENCE:
 Immediate
 Priority
 Routine

- CLASSIFICATION:
 TOP SECRET
 SECRET
 CONFIDENTIAL
 UNCLAS E F T O
 UNCLAS

Date _____

PAGE TWO MI 194B-35 UNCLAS E F T O

RAINERI, WHO WAS [REDACTED] IN TRIAL DURING NOVEMBER-DECEMBER, 1980, WHEN HE WAS CONVICTED OF THREE COUNTS ITAR-PROSTITUTION, AND ONE COUNT EACH OF PERJURY AND OBSTRUCTION OF JUSTICE (THREATENING A WITNESS). RAINERI, AT THE TIME, WAS CIRCUIT JUDGE OF IRON COUNTY, WISCONSIN, FORMERLY IRON COUNTY DISTRICT ATTORNEY, AND WAS INVOLVED IN MANAGEMENT OF PROSTITUTION ENTERPRISE IN CONNECTION WITH [REDACTED] SHOW BAR AT HURLEY, WISCONSIN. AFTER LOSING APPEAL, RAINERI BEGAN SERVING THREE-YEAR PRISON SENTENCE AT FCI, LEXINGTON, KENTUCKY, ON APRIL 28, 1982.

[REDACTED], PRESUMABLY REFERS TO RAINERI'S [REDACTED], WISCONSIN, THOUGH SHE MAY NOT BE AUTHOR OF LETTER. ADDITIONAL SUSPECTED AUTHORS MAY BE RAINERI HIMSELF (MAILED THROUGH A CONFEDERATE), [REDACTED]

[REDACTED] MICHIGAN, [REDACTED]

[REDACTED] THERE), AND POSSIBLY MEMBERS OF THE [REDACTED] OF HURLEY POLICE OFFICER [REDACTED] WHO AS RESULT OF CONVEYING THREAT TO WITNESS FOR RAINERI, INCURRED JOB PROBLEM.

NUMEROUS SAMPLES OF RAINERI'S HANDWRITING ARE ON FILE AT FBI LABORATORY (ATTN: SA [REDACTED] IN BUFILE 194-1122.

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 (Number) (Time)

FBI

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PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- UNCLAS E F T O
- UNCLAS

Date _____

PAGE THREE MI 194B-35 UNCLAS E F T O

DETROIT AT IRON MOUNTAIN, MICHIGAN. DETERMINE EXTENT OF
COVERAGE OF POSTMARK FOR OTHER AREAS OF NORTHERN MICHIGAN.

LOS ANGELES CONTACT [REDACTED] OBTAIN ORIGINAL LETTER AND
FORWARD TO FBI LABORATORY FOR HANDWRITING AND FINGERPRINT
EXAMINATIONS. FORWARD COPIES TO MILWAUKEE AND DETROIT FOR
INVESTIGATION.

MILWAUKEE AT HURLEY, WISCONSIN. INTERVIEW [REDACTED]
RE AUTHORITY OF LETTER, OBTAIN HANDWRITING SAMPLES AND FINGER-
PRINTS; CONDUCT OTHER APPROPRIATE INVESTIGATION IN EFFORT TO
DEVELOP SUSPECT AND OBTAIN SIMILAR SAMPLES; CONSULT WITH USA,
MADISON, WISCONSIN, REGARDING OOJ IN CONNECTION WITH INSTANT
LETTER.

BT

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LA0019 1410425

RR HQ MI

DE LA 019

R 210425Z MAY 82

FM LOS ANGELES (194B-165) (OC-4)

TO DIRECTOR (194-1122) (ROUTINE)

MILWAUKEE (194B-35) (ROUTINE)

BT

UNCLAS

UNSUB, AKA [REDACTED] VICTIM; EXTORTION, OO J

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ALEX J. RAINERI, FORMER CIRCUIT COURT JUDGE, HURLEY,

WISCONSIN; HOBBS ACT - CPO; ITAR - PROSTITUTION;

PREGJURY; OOJ; OO : MILWAUKEE

RE MILWAUKEE TELETYPE TO DIRECTOR MAY 17, 1982.

[REDACTED] LOCATED AND INTERVIEWED ON MAY 19, 1982,
AT ADDRESS SET FORTH IN REFERENCE TELETYPE.

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LETTER AND ENVELOPE RECEIVED BY [REDACTED] OBTAINED
AND WILL BE IMMEDIATELY FORWARD TO FBI LABORTORY FOR
EXAMINATION.

BT

1410426Z MI 1 [REDACTED]

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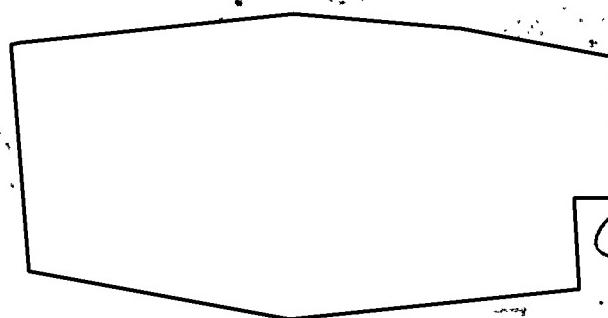
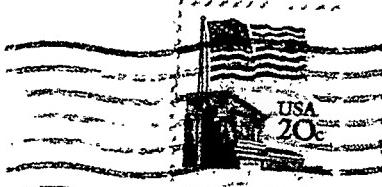
EVIDENCE

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TO

God is going to get
you. No matter how many
times you make the
Sign of the Cross - you are
in deep trouble now.
God. He knows every
thing.

We don't give
confess all. God
will forgive you,
I am sure.



566-194-35-515

SEARCHED	INDEXED
SERIALIZED	82
FBI - MILWAUKEE	

OCIS
ME

Please forward.

AIRTEL

5/20/82

TO: DIRECTOR (194-1122)
ATTN: FBI LABORATORY, DOCUMENT SECTION
SA [redacted]

FROM: 2159 SAC, LOS ANGELES (194B-165) (OC-4) (P)

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b7C

194-35-206 Pg 733
Pg 732, 783, 745,
Pg 737, 745, 281,
Pg 747, 339, 748,
Pg 753, 756,
Pg e-8
UNSUB; aka [redacted] - VICTIM

b6
b7C

EXTORTION, OOJ
OO: Milwaukee

Enclosed for the FBI Laboratory, Document Section
is the original letter received by Victim [redacted] and one
photo copy of this letter. Enclosed for Milwaukee are two
photo copies of this letter.

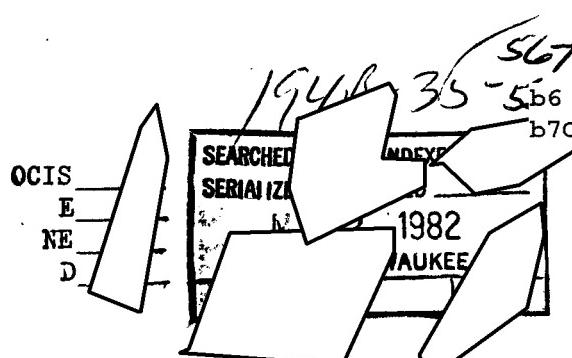
REQUEST OF THE FBI LABORATORY

Compare handwriting with any exemplars in Bureau
file 194-1122. Thereafter send letter to Latent Fingerprint
to locate any possible latent prints on the letter.

Milwaukee obtain exemplars from [redacted]
or other logical suspects and forward to Document Section
for comparison.

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2 - Bureau (Enc. 2)
② - Milwaukee (Enc. 2) [redacted]
2 - Los Angeles
(6)
CD



REPORT
of theFEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, Los Angeles (194B-165) (OC-4)

May 28, 1982

FBI FILE NO. 194-1122

LAB. NO. 20524040 D UY

Re: UNSUB; aka [redacted]

[redacted] - VICTIM;
EXTORTION, OOJb6
b7C

Specimens received May 24, 1982

Q480 Envelope postmarked "IRON MOUNTAIN MI 498 PM 11 MAY 1982"
bearing the handwritten address [redacted]
[redacted] Calif [redacted]b6
b7CQ481 Accompanying one-page handwritten letter beginning
[redacted] God is . . ."

Result of examination:

Although the previously submitted known handwriting of [redacted] the writer of specimen K11, was not sufficiently comparable with the questioned entries appearing on specimens Q480 and Q481, significant handwriting characteristics in common were observed which indicate [redacted] (K11) may have prepared the questioned entries. Samples of [redacted] known handwriting written in a similar format and wording would be useful if additional comparisons are desired.

No indented writing or watermarks were observed on specimens Q480 and Q481.

The submitted evidence was photographed and will be returned with the results of the requested latent fingerprint examination.

194-35-568

SEARCHED	INDEXED
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JUN 1 1982

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FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, Los Angeles (194B-165) (OC-4)

May 28, 1982

From: Director, FBI

FBI FILE NO. 194-1122

Re:

UNSUB; aka

- VICTIM;

EXTORTION, OOJ

LAB. NO. 20524040 D UY

OO: Milwaukee

194-35-258 P. 733;
P.732; 783; 737; 785;
745; 281; 747; 748;
399; P. e-8; P. 753;
756

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b7C

Examination requested by: Los Angeles

Reference: Airtel dated May 20, 1982

Examination requested: Document - Fingerprint

Remarks:

Enclosures (2) (2 Lab report)
② - Milwaukee Enclosures (2) (2 Lab report)

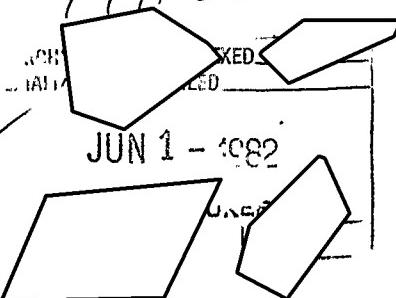
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DO NOT INCLUDE ADMINISTRATIVE
PAGE (S) INFORMATION IN
INVESTIGATIVE REPORT

ADMINISTRATIVE PAGE

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JUN 1 - 1982



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SI/DOJ



FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537

REPORT

of the

LATENT FINGERPRINT SECTION IDENTIFICATION DIVISION

YOUR FILE NO. 194B-165 (OC-4) (P)
 FBI FILE NO. 194-1122
 LATENT CASE NO. B-86412

June 17, 1982

TO: SAC, Los Angeles

RE: UNSUB., AKA
 [REDACTED] - VICTIM
 EXTORTION; OOJ

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b7C

REFERENCE: Airtel 5/20/82
 EXAMINATION REQUESTED BY: Los Angeles
 SPECIMENS: Q480 and Q481, envelope
 and letter

The specimens are further described in a separate
 Laboratory report.

No latent prints of value were developed on the
 enclosed specimens.

Enc. (2)

(2) - Milwaukee

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THIS REPORT IS FURNISHED FOR OFFICIAL

FBI/DOJ

194-35-570

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FEDERAL BUREAU OF INVESTIGATION

1*

6/11/82

Date of transcription:

[redacted] Wisconsin,
advised as follows:

Mrs. [redacted] was shown a copy of a one-page handwritten letter and envelope to [redacted], signed [redacted]. She acknowledged authorship of the letter and mailing it to [redacted] at the post office at Ironwood, Michigan. She was unsure that the letter would actually reach [redacted]; for this reason she noted "please forward" on the envelope. She obtained the address to which the letter was mailed from old papers listing an address for one of [redacted]. Alex Raineri, was unaware that she wrote or mailed the letter. It was done hastily one evening when she was home alone and feeling upset.

She did not construe the letter to be a threat, though she knows [redacted] well enough to know her habits, such as always making "the sign of the cross", and knew that the letter would cause [redacted] to get excited or upset. She stated that she felt that all of [redacted] statements against [redacted] (Alex) were lies, but she had no specific information to contradict these.

Mrs. [redacted] stated that she might send additional similar letters to [redacted]; she was cautioned against doing so and it was suggested that before she again send such a letter, she contact her attorney. She was advised that it would be necessary to discuss with the U.S. Attorney the fact that she sent even one such letter. Mrs. [redacted] stated that she probably would reconsider sending any additional letters to [redacted]

gation on 6/1/82 at Hurley, Wisconsin File # MI 194B-35 - S7/
SA [redacted]

Date dictated: 6/7/82

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b7Cb6
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Post Office Box 2058
Milwaukee, Wisconsin 53201
June 23, 1982

Honorable John R. Byrnes
United States Attorney
Western District of Wisconsin
Madison, Wisconsin

Personal Attention

Re: [REDACTED]

[REDACTED] - Victim

Extortion; Obstruction of
Justice

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b7C

Dear Mr. Byrnes:

This is to confirm a conversation between you and Special Agent [REDACTED] of this office on June 10, 1982, wherein Special Agent [REDACTED] advised you of the following facts:

A letter postmarked May 11, 1982, at Iron Mountain, Michigan, was received at [REDACTED] California, by [REDACTED] who had been a [REDACTED] in the 1980 trial of Alex J. Raineri. The letter was signed [REDACTED] Alex, who is now in Federal prison, admitted writing the letter, denied any implicit threats and stated it was done without Alex's knowledge and will not be repeated.

You reviewed the content of the letter and declined prosecution of [REDACTED] in this matter in view of lack of explicit threat, the nature of Mrs. [REDACTED] situation, and the lack of venue in the Western District of Wisconsin.

Very truly yours,

H. ERNEST WOODBY
Special Agent in Charge

2 - Addressee
(1) - Milwaukee (194B-35)

(3)

By:

GARY W. HART INITIAL
Assistant Special Agent in Charge

ROUTE TO
READ FOR ACCURACY
MARK INDEXING AND

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74-35-572

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 19, 1982

[redacted]
 California furnished the following item to SA [redacted]
 [redacted] who identified himself as a Special Agent of
 the Federal Bureau of Investigation:

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1) One envelope containing a handwritten
 letter beginning "[redacted] God is..."

[redacted] advised that she received the letter and
 immediately called the FBI in Wisconsin. She advised that
 [redacted]

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b7C

[redacted] She advised that she feels that the letter
 was written by [redacted] however, she could not provide
 evidence in that regard.

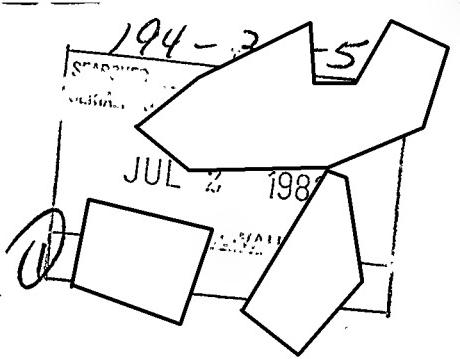
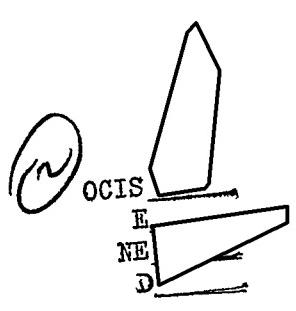
[redacted] was given the home telephone number of
 the interviewing Agent and told to immediately contact him
 in the event of any additional letters are received by her.

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Investigation on 5/19/82 at Los Angeles, California File # 194-165
 by [redacted] SA [redacted] 194-35-574
5/19/82 Date dictated 5/19/82

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.



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b7c

FBI

TRANSMIT VIA:

Teletype
 Facsimile
 Airtel

PRECEDENCE:
 Immediate
 Priority
 Routine

CLASSIFICATION:
 TOP SECRET
 SECRET
 CONFIDENTIAL
 UNCLAS E F T O
 UNCLAS

6/28/82

TO: SAC, MILWAUKEE (194B-25)
 FROM: SAC, LOS ANGELES (194-165) (OC-2) RUC

UNSUB. aka ET AL;
 [REDACTED] - VICTIM;
 ESTORTION, OOJ
 OO: Milwaukee

b6
b7C

Enclosed for Milwaukee are the following items:
 1) Original and one copy of the FD-302 interview of Victim;
 2) Latent fingerprint report with attached specimens; and
 3) FBI Lab. report # 20524040 D UY.

② - Milwaukee (Encl. 4) [REDACTED]
 2 - Los Angeles
 (4)
 CD

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194-25-575

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Approved: _____

Transmitted _____
(Number) (Time)

Per _____

X Airtel

6/23/82

TO: SAC, LOS ANGELES (194B-165)

FROM: SAC, MILWAUKEE (194B-35) (C)

CHANGED I. O.

[REDACTED]
[REDACTED]

[REDACTED] - VICTIM
EXTORTION; OOJ
OO: MILWAUKEE

ALEX J. RAINERI,
CIRCUIT JUDGE,
HURLEY, WISCONSIN
HOODS ACT - OC; ITAR - PROSTITUTION;
PERJURY; OOJ
OO: MILWAUKEE

Title changed to identify writer of letter to
[REDACTED]

Alex J. Raineri, who is currently serving sentence in FCI, Lexington, Kentucky, admitted authoring and mailing letter to [REDACTED]

USA, WDW, Madison, Wisconsin, declined prosecution in view of lack of explicit threat, nature of Mrs. Raineri's situation, and lack of venue in WDW.

2 - Los Angeles (194B-165)

2 - Detroit

(1) - Milwaukee (194B-35)

[REDACTED]
(5)

① ROUTE TO
READ FOR AGC/LA
MAIL IND. CITY AND
INITIAL
DATE _____

CCIS
ME
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SEARCHED _____
SERIALIZED _____

576
194-35-3

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ME 194B-35

Los Angeles and Detroit, with possible venue, may wish to discuss with appropriate USA's.

No further investigation is being conducted by Milwaukee.

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MI (194B-35) C

DATE: 3/28/63

FROM : SA

SUBJECT: Alex J Lameri

Re 1B5, 1B6

Retain - Elsm.



5010-108-02

194-35-577

SEARCHED	INDEXED
SERIALIZED	FILED
APR 4 1963	
FBI - MILWAUKEE	

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

b6
b7c

(Indicate page, name of newspaper, city and state.) A-1
IRONWOOD DAILY GLOBE
IRONWOOD WI
8/2/83
Date: **METRO**
Edition:

(Mount Clipping in Space Below)

Raineri hearing Sept. 8

Globe Madison Bureau

MADISON, Wis. — A Sept. 8 hearing in U.S. District Court will be held to determine if former Iron County Judge Alex Raineri should be held in contempt of court for failing to pay \$15,000 in fines in connection with his federal prostitution-related convictions in 1980.

Raineri was convicted of perjury, threatening a grand jury witness and three counts of interstate transactions to promote prostitution. Testimony at Raineri's trial indicated he helped run the Show Bar on Silver Street in Hurley, collected money left by prostitutes and handled some legal and business affairs for the tavern while he was judge.

U.S. District Judge Barbara Crabb said Raineri's crimes revealed a "shameless disregard for the laws he was elected to uphold."

Raineri was sentenced in March of 1981 to three years in prison and ordered to pay fines amounting to \$15,000. He has been released from the federal prison at Lexington, Ky., after serving approximately one year of his sentence.

The fines were to be paid within six months after his prison term began in April 1982. U.S. Attorney Grant Johnson asked for the Sept. 8 hearing to determine if Raineri should be held in civil contempt of court and confined for disobeying a court order.

Title: **ALEX RAINERI (JUDGE)**

Character: **HOBBS ACT**
PUBLIC CORRUPTION
or

Classification: **194B-35**
Submitting Office: **MILWAUKEE**

194B-35-578

~~88210-72~~~~194B-35~~~~194B-35~~

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 5 1983	
FBI — MILWAUKEE	

b6
b7C

Raineri ordered to pay fine

By STAN MILAM
Globe Madison Bureau

MADISON, Wis. — Former Iron County judge Alex Raineri, Hurley, was given until Oct. 12 today to pay a \$15,000 fine stemming from his December, 1980 conviction on five prostitution-related federal charges.

U.S. District Court Judge Barbara Crabb denied Raineri's request for a 60-day extension. Raineri told Crabb he intended to borrow money using life insurance policies as collateral to pay the fine. He said he had not paid the fine because he misunderstood the court order instructing payment.

In addition to being a former judge, Raineri also served as an attorney and Iron County District Attorney.

Raineri was convicted of perjury, threatening a grand jury witness and three counts of interstate transactions to promote prostitution in connection with operation of the Show Bar, Hurley.

He was sentenced to three years in prison and ordered to pay the fine within six months after beginning his prison term. He was in prison in Lexington, Ky., from April, 1982, until April, 1983.

Assistant U.S. Attorney Grant Johnson said Raineri had not paid the fine and asked the court to determine whether Raineri should be held in contempt of court. Johnson did not object to the 30-day extension.

Also pending in the case is a motion by Raineri to vacate his guilty verdicts and subsequent

judgement. In his motion, Raineri claims he had inadequate representation, was the victim of selective prosecution and that Judge Crabb made several errors during the trial.

Raineri said he was "a victim of selective prosecution in that he was singled out for the reason that he was a circuit judge selected for review by the Wisconsin Judicial Commission resulting in an investigation of the Show Bar in Hurley for prostitution. That of the approximately 100 persons involved, only the defendant was singled out for prosecution as a party to a crime."

One employee of the Show Bar admitted he transported women from the Silver Street nightspot to a location in Michigan for immoral

purposes as a taxi cab operation, Raineri said. Also, Raineri said, a bartender at the Show Bar handled envelopes and keys relating to prostitution. Yet he was the only defendant in the case, Raineri said, because the "motive was to get him because he was a judge."

Testimony at the trial indicated Raineri helped run the Show Bar while collecting money left by prostitutes and handling legal and business matters. The testimony also indicated Raineri protected the Show Bar from authorities, especially while he was the district attorney.

Judge Crabb said Raineri's crimes "revealed to others a shameless disregard for the laws he was elected to uphold."

(Indicate page, name of newspaper, city and state.)

Date: 9/8/83
Edition:

Title: DAILY GLOBE
IRONWOOD, MI

Character:
or
Classification:
Submitting Office:

Indexing:
194-B-35

M.A

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
SEP 13 1983	
FBI - MILWAUKEE	

194-35-579

FBI/DOJ

(Indicate page, name of newspaper, city and state.)

Page 1

Ironwood, Michigan

Date: 9/8/83

Edition: Ironwood Daily Globe

(Mount Clipping in Space Below)

Raineri ordered to pay fine

By STAN MILAM

Globe Madison Bureau

MADISON, Wis. — Former Iron County judge Alex Raineri, Hurley, was given until Oct. 12 today to pay a \$15,000 fine stemming from his December, 1980, conviction on five prostitution-related federal charges.

U.S. District Court Judge Barbara Crabb denied Raineri's request for a 60-day extension. Raineri told Crabb he intended to borrow money using life insurance policies as collateral to pay the fine. He said he had not paid the fine because he misunderstood the court order instructing payment.

In addition to being a former judge, Raineri also served as an attorney and Iron County District Attorney.

Raineri was convicted of perjury, threatening a grand jury witness and three counts of interstate transactions to promote prostitution in connection with operation of the Show Bar, Hurley.

He was sentenced to three years in prison and ordered to pay the fine within six months after beginning his prison term. He was in prison in Lexington, Ky., from April, 1982, until April, 1983.

Assistant U.S. Attorney Grant Johnson said Raineri had not paid the fine and asked the court to determine whether Raineri should be held in contempt of court. Johnson did not object to the 30-day extension.

Also pending in the case is a motion by Raineri to vacate his guilty verdicts and subsequent

judgement. In his motion, Raineri claims he had inadequate representation, was the victim of selective prosecution and that Judge Crabb made several errors during the trial.

Raineri said he was "a victim of selective prosecution in that he was singled out for the reason that he was a circuit judge selected for review by the Wisconsin Judicial Commission resulting in an investigation of the Show Bar in Hurley for prostitution. That of the approximately 100 persons involved, only the defendant was singled out for prosecution as a party to a crime."

One employee of the Show Bar admitted he transported women from the Silver Street nightspot to a location in Michigan for immoral

purposes as a taxi cab operation, Raineri said. Also, Raineri said, a bartender at the Show Bar handled envelopes and keys relating to prostitution. Yet he was the only defendant in the case, Raineri said, because the "motive was to get him because he was a judge."

Testimony at the trial indicated Raineri helped run the Show Bar while collecting money left by prostitutes and handling legal and business matters. The testimony also indicated Raineri protected the Show Bar from authorities, especially while he was the district attorney.

Judge Crabb said Raineri's crimes "revealed to others a shameless disregard for the laws he was elected to uphold."

Title:

Character:

or

Classification:

Submitting Office: Milwaukee

Alex J. Raineri:

194-35

166-384-423

194-35

194-35-258

194-35-258 pg 793

801, 802, 803, 804

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OCIS _____
E _____
NE _____
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194-35-580 FBI/DOJ

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

PAGE 7

IRONWOOD DAILY GLOBE
MADISON, WISCONSINDate: OCTOBER 10, 1983
Edition:

Title: JUDGE ALEX RAINERI

Character: CORRUPT PUBLIC OFFICIAL

or

Classification: 194B-35

Submitting Office: MILWAUKEE, WISCONSIN

Indexing:

Raineri pays court fine

MADISON, Wis. — Facing a contempt of court order, former Iron County judge Alex Raineri paid a \$15,000 fine late last week for his conviction on five prostitution-related charges.

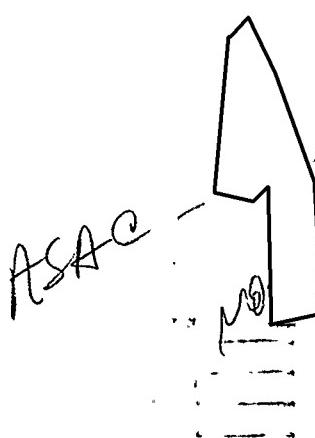
Raineri, who served one year of a three-year prison sentence, was convicted in 1980 of three counts of interstate promotion of prostitution, one count of perjury and one count of threatening a grand jury witness. The charges stem from Raineri's activities in connection with the Show Bar in Hurley while serving as a judge and district attorney.

When sentenced by U.S. District Judge Barbara Crabb, Raineri was ordered to pay the fine within six months after beginning his prison sentence. He served his time in a federal correction facility in Kentucky and was released in April of this year.

At the time of his release, he had not paid the fine.

In August, the U.S. attorney's office filed motions asking Judge Crabb to find Raineri in contempt of court for not paying the fine. At a court appearance before Crabb Sept. 8, Raineri said he had misunderstood the sentence regarding payment of the fine and asked for a 60-day extension.

Crabb granted a 30-day extension and gave Raineri 30 days to pay the fine or face contempt charges.



194-35-581

SEARCHED	INDEXED
SERIALIZED	
OCT 14 1983	
FBI - MILWAUKEE	

b6
b7c

UNITED STATES GOVERNMENT

Memorandum (1941 B-35)

TO : SAC, MILWAUKEE (C)

DATE: 11-10-83

FROM : SA [redacted]

SUBJECT: ALEX J RAINERI

etc

OO: MI

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b7c

Case status is Closed.

IB-10 consists of 2 notebooks and 1 folder of trial exhibits (documentary) in Raineri case, supplied by USA (over objections of the writer, who felt these items should remain in storage with all case records with Clerk of Court)

Due to documentary nature can see no other alternative but to retain indefinitely.

b6
b7c



1941 B-35-582



(1)



5010-106-02

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Memorandum



To : SAC, MILWAUKEE

Date 9/21/84

From : SA [redacted]

Subject : SEMI-ANNUAL INVENTORY OF PROPERTY RETAINED AS EVIDENCE OR INVESTIGATIVE AIDS

Re conversation between SA [redacted] and
SA [redacted] on 9/18/84.

The following exhibits (documents) and ELSUR materials listed by file number and exhibit number, which are maintained in closed files, cannot be destroyed in view of the moratorium covering the destruction of the same.

12- 28- 1B1, 1B2, 1B4-29.
12- 62- 1B2-7.
12- 73- 1B1-5, 1B7-13.
12- 80- 1B1-8, 1B10-17, 1B19-25, SUB D-1B1, 1B2, SUB G-1B1-4.
12- 81- 1B2.
12- 85- 1B1-12, 1B14.
12- 101- 1B1, 1B3-10, 1B29, 1B38-40, SUB A-1B1-4.
12- 104- 1B1, 1B2, 1B4-11, SUB B-1B2, SUB D-1B1.
12- 117- 1B1, 1B2, 1B4.
12- 121- 1B1.
12- 123- 1B1, 1B2.
12- 145- 1B1.
12- 152- 1B1.

SEARCHED	[redacted]
SERIALIZED	[redacted]
SEP 25 1984	
FBI-MILWAUKEE	[redacted]

92-Milwaukee

(1- 12- 28, 1- 12- 62, 1- 12- 73, 1- 12- 80, 1- 12- 81)
(1- 12- 85, 1- 12- 101, 1- 12- 104, 1- 12- 117, 1- 12- 121)
(1- 12- 123, 1- 12- 145, 1- 12- 152, 1- 12- 155, 1- 12- 173)
(1- 12- 183, 1- 12- 184, 1- 12- 190, 1- 12- 2721)
(1- 31-3812, 1- 92- 321, 1- 92- 426, 1- 92-1411, 1- 92-1468)
(1- 92-1534, 1- 92-1595, 1- 92-1667, 1-145- 353, 1-162- 415)
(1-165- 45, 1-165- 475, 1-165- 492, 1-165- 507, 1-166- 243)
(1-166- 364, 1-166- 477, 1-166- 965, 1-166- 992, 1-166- 998)
(1-166-1016, 1-166-1020, 1-166-1031, 1-166-1039, 1-166-1041)
(1-179- 67, 1-179- 99, 1-179- 103, 1-179- 108, 1-179- 112)
(1-182- 386, 1-182- 882, 1-182- 894, 1-182- 896, 1-183- 61)
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(1-183- 235, 1-183- 244, 1-183- 249, 1-183- 271, 1-183- 371)
(1-183- 375, 1-183- 419, 1-183- 429, 1-183- 444, 1-183- 473)
(1-183- 477, 1-183- 482, 1-183- 491, 1-183- 514, 1-183- 544)
(1-183- 593, 1-183- 630, 1-194- 4, 1-194- 11, 1-194- 17)
(1-194- 30, 1-194- 33, 1-194- 35, 1-194- 72, 1-194- 78)
(1-245- 2, 1-245- 3, 1-245- 5, 1-245- 30, 1-245- 36)
(1-245- 42)

[redacted]
(92)

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194-35-583

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12- 173- 1B1, 1B2.
12- 183- 1B1-31, 1B33, 1B35.
12- 184- 1B1-3, 1B5.
12- 190- 1B1-20.
12-0-2721- 1B1.
31-3812- 1B1.
92- 321- 1B2.
92- 426- 1B1.
92-1411- 1B1, 1B3-5, 1B7-16, 1B18-25, 1B28, 1B30, 1B78, 1B97,
1B98, 1B190, 1B199, 1B200.
92-1468- 1B1, 1B2, 1B5-7.
92-1534- 1B2, 1B10-14, 1B20.
92-1595- 1B9-14.
92-1667- 1B4.
145- 353- 1B19, 1B21, 1B22, 1B26.
162- 415- 1B19, 1B21.
165- 45- 1B6.
165- 475- 1B2.
165- 492- 1B1.
165- 507- 1B2.
166- 243- 1B19, 1B22, 1B23.
166- 364- 1B1.
166- 477- 1B2, 1B21.
166- 965- 1B1.
166- 992- 1B2-6, 1B8.
166- 998- 1B4, 1B12-15.
166-1016- 1B2, 1B3.
166-1020- 1B1, 1B2, 1B4, 1B5.
166-1031- 1B1.
166-1039- 1B1-4.
166-1041- 1B1.
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179- 99- 1B2-23.
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179- 108- 1B1.
179- 112- 1B1.
182- 386- 1B1.
182- 882- 1B1, 1B2.
182- 894- 1B1.
182- 896- 1B1-5.
183- 61- 1B1, 1B2.
183- 80- 1B2-5.
183- 96- 1B3, SUB B-1B1, SUB I-1B2-4, SUB P-1B1, SUB Q-1B1,
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183- 128- 1B6, 1B8, 1B14-17.
183- 155- 1B6-8.
183- 184- 1B1-6.
183- 235- 1B1, 1B2, 1B4.
183- 244- 1B1.

183- 249- 1B1, 1B4, 1B6, 1B7.
183- 271- 1B3-7, 1B11, 1B12, 1B14.
183- 371- 1B2-4, 1B6-9, 1B14-63.
183- 375- 1B1; 1B2, SUB 1-1B1-4.
183- 419- 1B6.
183- 429- 1B1.
183- 444- 1B1, 1B2.
183- 473- 1B1-5.
183- 477- 1B1-13, 1B15-32.
183- 482- 1B1, 1B2, 1B4-9.
183- 491- 1B1-4.
183- 514- 1B2-18.
183- 544- 1B1, 1B3, 1B4.
183- 593- 1B1, 1B4.
183- 630- 1B1.
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194- 35- 1B3, 1B5, 1B7, 1B10.
194- 72- 1B1-7.
194- 78- 1B1, 1B2.
245- 2- 1B1-4, 1B6, 1B7, 1B9-52, SUB D-1B2, SUB H-1B1,
SUB I-1B1, 1B3-13, SUB J-1B1.
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245- 5- 1B1, 1B2.
245- 30- 1B1.
245- 36- 1B30-32.
245- 42- SUB H-1B1-4, 1B6-16, 1B18, 1B19.

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

DAILY GLOBE

2-19-85

Date: 2-19-85

Edition: DAILY GLOBE
IRONWOOD, MI

Title: P 1

Character:

or

Classification:

Submitting Office:

MI 194 B-35-

Indexing:

Raineri conviction upheld by high court

By STAN MILAM
Globe-Madison Bureau

WASHINGTON — The U.S. Supreme Court today let stand a conviction of former Iron County Circuit Court Judge Alex Raineri on prostitution related charges.

Raineri was convicted of promoting prostitution at the Show Bar Tavern in Hurley which he helped manage while serving as judge. He was convicted of five charges, including three violations of the Travel Act which prohibits travel or use of a facility in interstate commerce to promote a business involving prostitution.

As part of the proof of the Travel Act violations, prosecutors used two checks drawn on the bars account at a Michigan bank. One was given to a "dancer and prostitute," the justice department said, and the other paid a utility bill. Prosecutors also cited linen delivered to the bar from Hibbing, Minn.

Raineri, who was sentenced to federal prison, in addition to being fined, was also convicted of making false statements to a grand jury and arranging to have prospective grand jury witnesses threatened.

Acting as his own attorney, Raineri said the jury instructions at his trial were flawed unconstitutionally, in his appeal to the Supreme Court. The Supreme Court refused to hear Raineri's case. The 7th Circuit U.S. Court of Appeals last year rejected Raineri's appeal, saying he failed to show he did not receive a fair trial.

In his appeal, Raineri said courts interpret the law differently.

"In the 7th Circuit, a person can be



ALEX RAINERI

in violation of the Travel Act if he drives from one state into the other state with one headlight burning on his automobile," Raineri said. He also said the appellate court had an improper standard on when to accept appeals of sentencing.

The justice department said Raineri was trying to reargue issues that were not fruitful in his first appeal. "He has utterly failed" in the new appeal to show why he did not raise the claims of constitutional violations earlier and to show that he did not get a fair trial, the justice department said.

The justice department also said there is no discrepancy in the way federal courts apply a law against interstate activities related to prostitution, so there was no need for Supreme Court review.

194 B-35-584

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 22 1985	
U. S. DEPT. OF JUSTICE	
MILWAUKEE, WI	

Officer [Signature]

b6
b7C



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Post Office Box 2058
Milwaukee, Wisconsin 53201
September 3, 1985

Mr. [REDACTED]
[REDACTED]
[REDACTED] Wisconsin [REDACTED]

Dear Mr. [REDACTED]

The attached material obtained from you in connection with an investigative activity of the Federal Bureau of Investigation (FBI) is of no further value to this agency or the Department of Justice. The FBI is prohibited from destroying this material; therefore, it is being returned to you for whatever disposition you deem appropriate. Please execute the enclosed FD-597 receipt for return of evidence, retain the copy for your records, and return the original signed receipt in the enclosed self-addressed envelope.

Very truly yours,

H. ERNEST WOODBY
Special Agent in Charge

By:

[REDACTED]
Supervisory Special Agent

Enclosure(s) - Check Stubs number 808-1047, Ritz Bar, Incorporated. Checks and Bank Statements, Ritz Bar, Incorporated dated January 31, 1977, March 31, 1977, April 29, 1977, June 30, 1977, July 29, 1977, September 30, 1977 and October 31, 1977. Folder Labeled, "Ritz Bar - 1979", Containing Miscellaneous Business Records. Folder Labeled "Payroll 1975 Showbar", Containing Miscellaneous Business Records.

Retained to
Milwaukee FBI
Unable to retm

FILE # 194-35
EXHIBIT # 1B-3

1-ADDRESSEE
17194-35

Retained to Milwaukee
via R/H # R216777476

194-35-585

b6
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b6
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U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Post Office Box 2058
Milwaukee, Wisconsin 53201
August 29, 1985

Mr. [REDACTED]
[REDACTED]
[REDACTED] Michigan [REDACTED]

Dear Mr. [REDACTED]:

The attached material obtained from you in connection with an investigative activity of the Federal Bureau of Investigation (FBI) is of no further value to this agency or the Department of Justice. The FBI is prohibited from destroying this material; therefore, it is being returned to you for whatever disposition you deem appropriate. Please execute the enclosed FD-597 receipt for return of evidence, retain the copy for your records, and return the original signed receipt in the enclosed self-addressed envelope.

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MAILED TO CONSPIRACY ON 8-29-85 via R/M
R216777409

1-ADDRESSEE
104-25

SEARCHED INDEXED
SERIALIZED FILED

Memorandum



To : SAC, MILWAUKEE

(194-30)

Date 4/25/86

From : SA [redacted]

Subject : SEMI-ANNUAL INVENTORY
OF PROPERTY

RETAIN X

REASON Moratorium items

DESTROY X

REASON when moratorium is lifted

RETURN _____

REASON _____

PLEASE NOTE: Judge Greene's Order covers all ELSUR material (Including pen registers) and all original documents not being returned to the contributor.

WE WILL TRY TO DETERMINE WHAT EVIDENCE IS COVERED UNDER JUDGE GREEN'S ORDER AND THESE EVIDENCE SHEETS WILL NOT BE SENT TO YOU. IF YOU RECEIVE A GREEN SHEET THAT FALLS UNDER JUDGE GREEN'S ORDER PLEASE INDICATE THAT ON THE GREEN SHEET AND IN THE FUTURE THIS SHEET WILL NOT BE SENT TO YOU FOR REVIEW. .

1B10

194-30-587

SEARCHED	INDEXED
[redacted]	[redacted]
APR 25 1986	
FBI - MILWAUKEE	
[redacted]	[redacted]

b6
b7C

(X)
b6
b7C

b6
b7C

Memorandum



To : SAC (194-35)

From : SA

Subject : SEMI-ANNUAL INVENTORY
OF PROPERTY

Date 11/3/86

b6

b7C

RETAIN ✓

1B (s) 1B5, 1B6

REASON Elsur

194-35-588

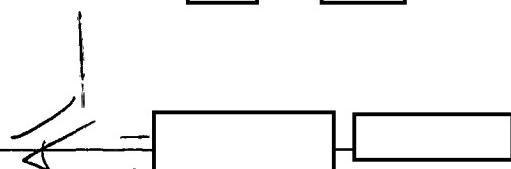
b6

b7C

DESTROY _____

1B (s) _____

REASON _____



Memorandum



To : SAC, ~~WEE~~ (194B-35),
From : SA
Subject : SEMI-ANNUAL INVENTORY
OF PROPERTY

Date

2/26/67

b6
b7C

RETAINT 1B5, 1B6

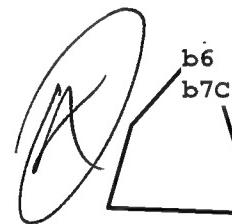
1B (s) 5, 6

REASON elsewhere

DESTROY _____

1B (s) _____

REASON _____


b6
b7C

RETURN _____

1B (s) _____

REASON _____

194-35-589

SEARCHED	SERIALIZED	INDEXED	FILED
3-19			
MILWAUKEE			
[Redacted]			

b6
b7C

Memorandum



To : SAC, MILWAUKEE (194B-35)

Date 3/18/87

From : SA [Redacted]

Subject : SEMI-ANNUAL INVENTORY
OF PROPERTY

b6
b7C

RETAIN ✓

1B (s) 1B-10

REASON Historical Value

b6
b7C

DESTROY _____

1B (s) _____

REASON _____

[Signature]

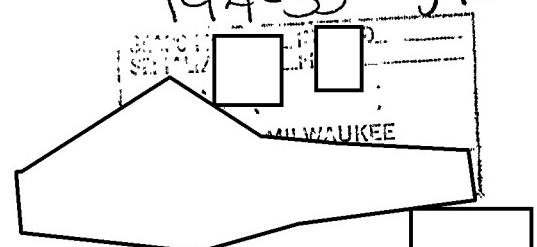
RETURN _____

1B (s) _____

REASON _____

b6
b7C

194-35-590



Memorandum



To : SAC MILWAUKEE (194B-35)

From : SA [Redacted]

Subject : SEMI-ANNUAL INVENTORY
OF PROPERTY

Date 8/13/87

b6
b7C

RETAIN *all*

1B (s) _____

REASON *moratorium*

DESTROY _____

1B (s) _____

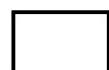
REASON _____

B
b6
b7C

RETURN _____

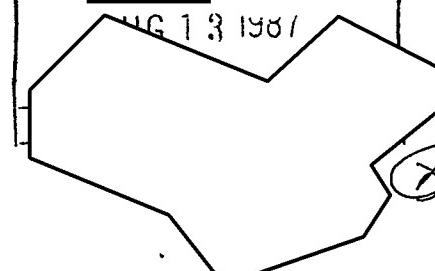
1B (s) _____

REASON _____



194B-35-592

SEARCHED	INDEXED
SERIALIZED	FILED



b6
b7C

Memorandum



To : SAC, MILWAUKEE (194-35)

From : S [Redacted]

Subject : SEMI-ANNUAL INVENTORY
OF PROPERTY

Date 8/31/87

b6
b7C

RETAIN X

1B (s) 5 & 10

REASON EISUR

DESTROY _____

1B (s) _____

REASON _____

b6
b7C

RETURN _____

1B (s) _____

REASON _____

194-35-593
SEARCHED INDEXED SERIALIZED FILED
19 [Redacted] [Redacted]

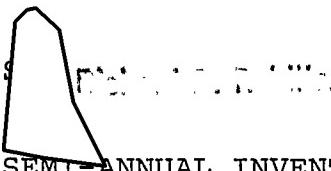
b6
b7C

Memorandum



To : SAC, MILWAUKEE (194-35)

Date 3-1-88

From : 

Subject : SEMI ANNUAL INVENTORY
OF PROPERTY

b6
b7C

RETAIN 

1B (s) All

REASON Closure

DESTROY 

b6
b7C

1B (s) _____

REASON _____

RETURN 

1B (s) _____

REASON _____

194-35-594

SEARCHED	INDEXED
SERIALIZED	FILED
MARCH 3 1988	
FBI - MILWAUKEE	

b6
b7C

Memorandum



To : S (194B-35)
From : SA
Subject : SEMI-ANNUAL INVENTORY
OF PROPERTY

Date 3/17/88

b6
b7C

RETAIN X

1B (s) 10

REASON possible historical value.

X
b6
b7C

DESTROY _____

1B (s) _____

REASON _____

RETURN _____

1B (s) _____

REASON _____

Before 1B-10 is ever destroyed, I feel
Judge Crable should be asked. It
may have historical value to State
and/or Hurley, WI Historical Society.

194B-35 -595

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 18 1988	
14	14

b6
b7C

Memorandum



"E/SUR"

To : SAC, MILWAUKEE (194-35)

Date 9/13/88

From : SA [redacted]

b6
b7C

Subject : SEMI-ANNUAL INVENTORY
OF PROPERTY

RETAIN X

1B (s) all

REASON elsewhere/evidence

DESTROY _____

b6
b7C

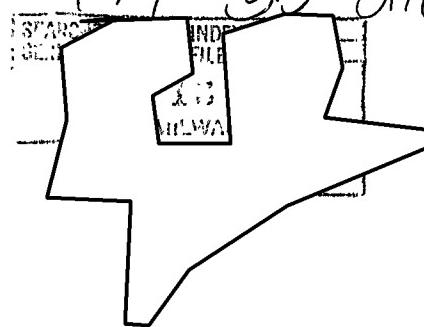
1B (s) _____

REASON _____

RETURN _____

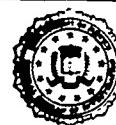
1B (s) _____

REASON _____



b6
b7C

Memorandum



To : SAC, MILWAUKEE (194-35)
From : SA
Subject : SEMI-ANNUAL INVENTORY
OF PROPERTY

Date 10-7-88

b6
b7c

RETAIN

1B (s) all

REASON Historical significance

DESTROY

1B (s)

REASON _____

b6
b7c

b6
b7C

RETURN

1B (s) _____

REASON _____

I think if we ever get rid of this stuff it should be donated to some historical archive, state or national.

Dou G. W.

A rectangular stamp with rounded corners containing the date OCT 11 1967.

Memorandum



To : SAC, MILWAUKEE (194-35)

From : SA [Redacted]

Subject : SEMI-ANNUAL INVENTORY
OF PROPERTY

Date

7/20/69

b6
b7C

RETAIN K

1B (s) 10

REASON historical value

(P)
b6
b7C

DESTROY _____

1B (s) _____

REASON _____

RETURN _____

1B (s) _____

REASON _____

1941-35 - 597X1
SEARCHED INDEXED
SERIALIZED FILED

b6
b7C

Evidence

1941-35-597X1

To : SAC, MILWAUKEE

(194-35)

Date 3/31/89

From : [redacted]

Subject : SEMI-ANNUAL INVENTORY
OF PROPERTY

b6
b7C

RETAIN X

1B (s) 1B5,1B6

REASON EISUR

DESTROY _____

1B (s) _____

REASON _____

RETURN _____

1B (s) _____

REASON _____

194-35-598

b6
b7C

Obsur



U.S. Department of Justice

United States Attorney
Western District of Wisconsin

Room 420, United States Courthouse
120 N. Henry Street
Madison, Wisconsin 53703

608/264-5158
FTS/364-5158

April 27, 1989

Mr. [redacted]
Federal Bureau of Investigation
P.O. Box 185
Wausau, WI 54401

b6
b7C

RE: United States v. Raineri

Dear [redacted]

b6
b7C

This letter is designed to confirm the information I provided to you in our telephone conversation on April 25, 1989. The FBI has in its possession the trial exhibits from United States v. Raineri. Assuming that none of those items need to be returned to the defendant, and in lieu of destruction, this office agrees that it would be appropriate to provide these exhibits to any state or local historical society which has an interest in retaining them for their historical value.

Thank you for your attention in this matter.

Very truly yours,

PATRICK J. FIEDLER
United States Attorney

By: [redacted]

[redacted]
Assistant U.S. Attorney

b6
b7C

[redacted]

It's going to
check w/ interested
state & iron City
agencies to see
if they want
exhibits

19413-3-599

b6
b7C

FBI - MADISON

[redacted]



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Post Office Box 2058
Milwaukee, Wisconsin 53201
May 16, 1989

Mr. Alex J. Raineri
502 Sixth Avenue North
Hurley, Wisconsin 54534

Re: U.S. vs Raineri

Dear Mr. Raineri:

Enclosed, and hereby returned, are certain personal checks constituting Government Exhibit #47 in captioned case.

Sincerely yours,

LAWRENCE J. NELSON
Special Agent in Charge

By:

Supervisory Senior Resident
Agent

Enclosures

1-Addressee
1-USA, WDW, Madison
1-Milwaukee (194B-35)

(3)

194B-35-600

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 17 19	
FBI - MILWAUKEE	

b6
b7C

b6
b7C

SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____



U.S. Department of Justice

United States Attorney
Western District of Wisconsin

Post Office Box 112, Federal Building
Madison, Wisconsin 53701

608/264-5158
FTS/364-5158

January 18, 1983

Mr. [redacted]
Special Agent
Federal Bureau of Investigation
Federal Building
Wausau, WI 54401

b6
b7C

Dear [redacted]

I am returning the government's exhibits in the Raineri case, and I have also enclosed some original papers purged from the [redacted] file.

Very truly yours,

John R. Byrnes
United States Attorney

[redacted]
[redacted]
Administrative Assistant

A
b6
b7C

[redacted]
Encs.

194-35-601

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 10 1983	
FBI - MILWAUKEE	
Evidence	

b6
b7C



U.S. Department of Justice

United States Attorney
Western District of Wisconsin

Room 420, United States Courthouse
120 N. Henry Street
Madison, Wisconsin 53703

608/264-5158
FTS/364-5158

April 27, 1989

Mr. [redacted]
Federal Bureau of Investigation
P.O. Box 185
Wausau, WI 54401

b6
b7C

RE: United States v. Raineri

Dear [redacted]

b6
b7C

This letter is designed to confirm the information I provided to you in our telephone conversation on April 25, 1989. The FBI has in its possession the trial exhibits from United States v. Raineri. Assuming that none of those items need to be returned to the defendant, and in lieu of destruction, this office agrees that it would be appropriate to provide these exhibits to any state or local historical society which has an interest in retaining them for their historical value.

Thank you for your attention in this matter.

Very truly yours,

PATRICK J. FIEDLER
United States Attorney

By:

Assistant U.S. Attorney

b6
b7C

[redacted]

[redacted] (ms) [redacted]

[redacted]

[redacted]

Montreal / 6 file [redacted]

1981-35-602

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 1 1980	
FBI - MILWAUKEE	
Evidence	

b6
b7C

To : SAC, MILWAUKEE (194-35)

Date 9-21-89

From : SA [redacted]

Subject : SEMI-ANNUAL INVENTORY
OF PROPERTY

b6
b7C

RETAIN X

1B (s) All

REASON EISUR

DESTROY _____

1B (s) _____

REASON _____

b6
b7C

RETURN _____

1B (s) _____

REASON _____

194-35-603



b6
b7C

To : SAC, MILWAUKEE (194-35)

Date 3/7/90

From : SA [redacted]

Subject : SEMI-ANNUAL INVENTORY
OF PROPERTY

b6
b7C

RETAIN X

1B (s) All

REASON EISUR

DESTROY _____

1B (s) _____

REASON _____

(X)

b6
b7C

RETURN _____

1B (s) _____

REASON _____

194-35-604

[redacted]

[redacted]

b6
b7C

EISUR

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/26/80

[redacted]
University of Nevada - Reno, Reno, Nevada, provided the following information:

b6
b7C

[redacted] made available a copy of the "Academic Transcript" in the name of Honorable Alex J. Raineri, Judge, Circuit Court, 300 Taconite, Hurley, Wisconsin.

b6
b7C

[redacted] using the copy of the transcript, wrote onto the transcript the nature of the courses Raineri attended, the dates of attendance, and the fact that a certificate had been issued.

b6
b7C

194-35-606

Investigation on 11/21/80 at Reno, Nevada File # LV 194B-38 21
by SA [redacted] Date dictated 11/21/80

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/17/80

[redacted] Nevada, telephone number [redacted] made available the originals of the following documents:

- (1) Capri Motel room receipt in the name of Alex J. Raineri, 316½ Silver Street, Hurley, Wisconsin, in the amount of \$42.40 and dated September 17, 1978.
- (2) Capri Motel room ledger for Sunday, September 17, 1978, reflecting that A. Raineri was in room 18 on that date, being a two-party accommodation, and being charged the rate of \$20.00 plus \$1.20 tax.
- (3) Capri Motel room ledger for Monday, September 18, 1978, reflecting that A. Raineri was in room 18 on that date, being a two-party accommodation, and being charged the rate of \$20.00 plus \$1.20 tax, for a total of \$42.40 paid in cash.

[redacted] advised that the notation "judges" near Raineri's name would indicate that Raineri was a judge visiting the University of Nevada-Reno Judicial College and that the rate of \$20.00 for his room was the courtesy rate extended to judges attending the college.

b6
b7Cb6
b7C

Investigation on 11/4/80 at Reno, Nevada File # LV194B-38-22
 by SA [redacted] Date dictated 11/12/80

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/17/80

[redacted] Nevada, telephone number [redacted] provided
the following information:

[redacted] was displayed a black and white 8" by 10" photograph depicting a male and female at which time [redacted] advised that it appeared the photograph was taken in Caruso's Restaurant of the MGM Grand Hotel and Casino. [redacted] contacted [redacted] and [redacted] allowed [redacted] and Special Agent [redacted] into the restaurant. [redacted] then took a series of photographs depicting the same background as the black and white in the possession of Special Agent [redacted]

The following day, November 6, 1980, [redacted] made available two colored 8" by 10" photographs, one of which was a photograph of Special Agent [redacted] seated in the same position as the male in the black and white photo. The second photograph was of the same background as the first but no individual (s) are present in the photo.

b6
b7Cb6
b7Cb6
b7C

Investigation on 11/6/80 at Reno, Nevada File # LV194B-38 -23
by SA [redacted] Date dictated 11/12/80

b6
b7C

Memorandum



To : SAC, Milwaukee

12-11-91

[Redacted] SAC, Las Vegas

b6
b7c

SUBJECT: ALEX J. RAINERI
CIRCUIT JUDGE
HURLEY, WISCONSIN;
HOBBS ACT - OFFICIAL CORRUPTION;
ITAR - PROSTITUTION;
ITAR - BRIBERY;
PERJURY; OOJ

RUC

File Destruction Program

OO: MILWAUKEE

Enclosed are 4 items. *JP*
These items are forwarded your office since:

All logical investigation completed in this Division

You were OO at the time our case was RUC'd.

Enclosures are described as follows:

4- PD 302

104-35-609

SEARCHED	SERIALIZED	INDEXED
4-115		
MANUAL		
DEC 16 1991		
FBI-MILWAUKEE		

b6
b7c

/ Enc.

NOTE: DO NOT BLOCK STAMP ORIGINAL ENCLOSURES.